

**House Bill 1501**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

ARTICLE 1. CREATION OF THE TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

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

CHAPTER 507. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 507.001. DEFINITIONS. In this chapter:

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

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

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

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

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

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

Sec. 507.002. APPLICATION OF SUNSET ACT. The Texas Behavioral Health Executive Council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the executive council is abolished and this chapter and Chapters 501, 502, 503, and 505 expire September 1, 2031.

SUBCHAPTER B. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

Sec. 507.051. EXECUTIVE COUNCIL MEMBERSHIP. (a) The Texas Behavioral Health Executive Council consists of

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Same as House version.

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SUBCHAPTER A. GENERAL PROVISIONS

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SUBCHAPTER B. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

Sec. 507.051. EXECUTIVE COUNCIL MEMBERSHIP. (a) The Texas Behavioral Health Executive Council consists of

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nine members as follows:

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

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

(3) one psychologist or psychological associate member and one public member of the psychology board, each appointed by that board;

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

(5) one public member appointed by the governor.

(b) Appointments to the executive council shall be made without regard to the race, color, disability, sex, age, religion, or national origin of the appointee.

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

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

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

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

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

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

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

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

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board; or  
(4) uses or receives a substantial amount of tangible goods, services, or money from the executive council, the marriage and family therapy board, the professional counseling board, the psychology board, or the social work board, other than compensation or reimbursement authorized by law for executive council, marriage and family therapy board, professional counseling board, psychology board, or social work board membership, attendance, or expenses.  
Sec. 507.053. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.  
(b) A person may not be a member of the executive council and may not be an executive council employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) if:  
(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of health care; or  
(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of health care.  
(c) A person may not be a member of the executive council or act as the general counsel to the executive council if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for

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board; or  
(4) uses or receives a substantial amount of tangible goods, services, or money from the executive council, the marriage and family therapy board, the professional counseling board, the psychology board, or the social work board, other than compensation or reimbursement authorized by law for executive council, marriage and family therapy board, professional counseling board, psychology board, or social work board membership, attendance, or expenses.  
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compensation on behalf of a profession related to the operation of the executive council, the marriage and family therapy board, the professional counseling board, the psychology board, or the social work board.

Sec. 507.054. TERMS; VACANCY. (a) The member appointed by the governor serves a six-year term. The remaining members serve two-year terms with the terms of four of those members expiring February 1 of each year.

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

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

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

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

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

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

(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or  
(5) is absent from more than half of the regularly scheduled executive council meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the executive council.

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

(c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify

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

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

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

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

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

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

(1) the law governing executive council operations;

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

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

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

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

(1) the law governing executive council operations;

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

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

(4) the types of executive council rules, interpretations, and enforcement actions that may implicate federal antitrust law by limiting competition or impacting prices charged by

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- (4) the results of the most recent formal audit of the executive council;
- (5) the requirements of:
  - (A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest; and
  - (B) other laws applicable to members of the executive council in performing their duties; and
- (6) any applicable ethics policies adopted by the executive council or the Texas Ethics Commission.
- (c) A person appointed to the executive council is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.
- (d) The executive director of the executive council shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each executive council member. On receipt of the training manual, each executive council member shall sign and submit to the

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- persons engaged in a profession or business the executive council regulates, including any rule, interpretation, or enforcement action that:
  - (A) regulates the scope of practice of persons in a profession or business the executive council regulates;
  - (B) restricts advertising by persons in a profession or business the executive council regulates;
  - (C) affects the price of goods or services provided by persons in a profession or business the executive council regulates; or
  - (D) restricts participation in a profession or business the executive council regulates;
- (5) the results of the most recent formal audit of the executive council;
- (6) the requirements of:
  - (A) laws relating to open meetings, public information, administrative procedure, and disclosure of conflicts of interest; and
  - (B) other laws applicable to members of the executive council in performing their duties; and
- (7) any applicable ethics policies adopted by the executive council or the Texas Ethics Commission.
- (c) A person appointed to the executive council is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.
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executive director a statement acknowledging receipt of the training manual.

SUBCHAPTER C. EXECUTIVE DIRECTOR AND OTHER PERSONNEL

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

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

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

(b) The executive director or the executive director's designee shall develop a system of annual performance evaluations based on measurable job tasks. All merit pay for executive council employees must be based on the system established under this subsection.

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

(1) personnel policies, including policies relating to

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acknowledging that the member received and has reviewed the training manual.

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recruitment, evaluation, selection, appointment, training, and promotion of personnel, that are in compliance with the requirements of Chapter 21, Labor Code;

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

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

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

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

(1) cover an annual period;

(2) be updated annually;

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

(4) be filed with the governor.

(c) The governor shall deliver a biennial report to the legislature based on information received under Subsection

(b). The report may be made separately or as part of other biennial reports made to the legislature.

SUBCHAPTER D. POWERS AND DUTIES

Sec. 507.151. GENERAL POWERS AND DUTIES. The executive council shall administer and enforce this chapter and Chapters 501, 502, 503, and 505.

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

Sec. 507.153. LIMITATION REGARDING CERTAIN

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(b). The report may be made separately or as part of other biennial reports made to the legislature.

SUBCHAPTER D. POWERS AND DUTIES

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

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

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

Sec. 507.153. LIMITATION REGARDING CERTAIN

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RULES. (a) Unless the rule has been proposed by the applicable board for the profession, the executive council may not adopt:

(1) a rule regarding:

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

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

(C) continuing education requirements for license holders; or

(2) a schedule of sanctions for violations of the laws and rules applicable to the profession.

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

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

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

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

(1) licenses issued by the executive council;

(2) license renewals and late renewals;

(3) examinations; and

(4) any other program or activity administered by the

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RULES. (a) Unless the rule has been proposed by the applicable board for the profession, the executive council may not adopt under this chapter or Chapter 501, 502, 503, or 505:

(1) a rule regarding:

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

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

(C) continuing education requirements for license holders; or

(2) a schedule of sanctions for violations of the laws and rules applicable to the profession.

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executive council for which a fee is authorized.

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

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

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

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

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

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

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

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

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

Sec. 507.159. NEGOTIATED RULEMAKING AND

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

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

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

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Sec. 507.159. NEGOTIATED RULEMAKING AND

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ALTERNATIVE DISPUTE RESOLUTION POLICY. (a) The executive council shall develop a policy to encourage the use of:

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

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

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

(c) The executive council shall:

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

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

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

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

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

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(c) The executive council shall:

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

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

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

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

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

(c) The executive council may not include the home address of a license holder in a registry the executive council publishes on the executive council's Internet website unless the person requests that the person's home address appear in the registry on the website. A request under this subsection

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SUBCHAPTER E. PUBLIC INTEREST INFORMATION AND COMPLAINT PROCEDURES

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

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

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

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

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

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

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

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must be made in the manner prescribed by the executive council.

(d) The home address of a license holder that is included in a registry the executive council prepares under this section is public information and is not excepted from required disclosure under Chapter 552, Government Code. [FA2(1)]

SUBCHAPTER E. PUBLIC INTEREST INFORMATION AND COMPLAINT PROCEDURES

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

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

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

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

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

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

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ACTIONS. (a) The executive council shall maintain a system to promptly and efficiently act on complaints filed with the executive council. The executive council shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

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

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

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

(1) distinguish between categories of complaints;

(2) ensure that a complaint is not dismissed without appropriate consideration;

(3) require that the executive council be advised of a complaint that is dismissed and that a letter be sent to the person who filed the complaint explaining the action taken on the complaint;

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

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

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ACTIONS. (a) The executive council shall maintain a system to promptly and efficiently act on complaints filed with the executive council. The executive council shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

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(b) The executive council shall:

(1) dispose of a complaint in a timely manner; and  
(2) establish a schedule for conducting each phase of the disposition of a complaint that is under the control of the executive council not later than the 30th day after the date the executive council receives the complaint.

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

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

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

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

- (1) the severity of the conduct alleged in the complaint; and
- (2) the degree of harm to public health and safety.

Sec. 507.205. CONFIDENTIALITY OF COMPLAINT INFORMATION. (a) Except as provided by Subsection (b), a complaint and investigation and all information and materials compiled by the executive council in connection with the complaint and investigation are not subject to:

- (1) disclosure under Chapter 552, Government Code; or
- (2) disclosure, discovery, subpoena, or other means of legal compulsion for release of information to any person.

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

- (1) the executive council and executive council employees or

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(b) The executive council shall:

(1) dispose of a complaint in a timely manner; and  
(2) establish a schedule for conducting each phase of the disposition of a complaint that is under the control of the executive council not later than the 30th day after the date the executive council receives the complaint.

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agents involved in license holder discipline;

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

(3) a law enforcement agency;

(4) a governmental agency, if:

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

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

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

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

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

(1) initiates the disciplinary action; or

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

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

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

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agents involved in license holder discipline;

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

(3) the board for the applicable profession;

(4) a law enforcement agency;

(5) a governmental agency, if:

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

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

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

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

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

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

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

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

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

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

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

SUBCHAPTER F. GENERAL LICENSING PROVISIONS

Sec. 507.251. CRIMINAL HISTORY RECORD INFORMATION FOR LICENSE ISSUANCE. (a) The executive council shall require that an applicant for a license submit a complete and legible set of fingerprints, on a form prescribed by the executive council, to the executive council or to the Department of Public Safety for the purpose of

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

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

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

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

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obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

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

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

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

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

(d) The executive council may:

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

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

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

(b) If the notice of examination results graded or reviewed by a national testing service will be delayed for longer than 90 days after the examination date, the executive council shall

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obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

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

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

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

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

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(b) If the notice of examination results graded or reviewed by a national testing service will be delayed for longer than 90 days after the examination date, the executive council shall

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notify each examinee of the reason for the delay before the 90th day.

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

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

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

(2) the requirements for retaking an examination.

Sec. 507.254. LICENSE RENEWAL. (a) A person who is otherwise eligible to renew a license may renew an unexpired license by paying the required renewal fee to the executive council before the expiration date of the license.

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

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

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

Sec. 507.255. RENEWAL OF EXPIRED LICENSE OF OUT-OF-STATE PRACTITIONER. (a) The executive

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notify each examinee of the reason for the delay before the 90th day.

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

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

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

(2) the requirements for retaking an examination.

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

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

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

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

Sec. 507.256. RENEWAL OF EXPIRED LICENSE OF OUT-OF-STATE PRACTITIONER. (a) The executive

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council may renew without reexamination an expired license of a person who was licensed in this state, moved to another state, and is currently licensed and has been in practice in the other state for the two years preceding the date the person applies for renewal.

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

Sec. 507.256. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR LICENSE RENEWAL. (a) An applicant renewing a license issued under this chapter shall submit a complete and legible set of fingerprints for purposes of performing a criminal history record information check of the applicant as provided by Section 507.251.

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

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

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

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

Sec. 507.257. SEARCH OF NATIONAL PRACTITIONER DATABASE. The executive council shall establish a process to search at least one national practitioner database to determine whether another state has taken any disciplinary or other legal action against an applicant or license holder before issuing an initial or renewal license.

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council may renew without reexamination an expired license of a person who was licensed in this state, moved to another state, and is currently licensed and has been in practice in the other state for the two years preceding the date the person applies for renewal.

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

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

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

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

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

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

Sec. 507.258. SEARCH OF NATIONAL PRACTITIONER DATABASE. The executive council shall establish a process to search at least one national practitioner database to determine whether another state has taken any disciplinary or other legal action against an applicant or license holder before issuing an initial or renewal license.

Sec. 507.259. ASSISTANCE IN LICENSING DETERMINATIONS. The executive council shall adopt rules establishing the manner in which the executive council

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SUBCHAPTER G. DISCIPLINARY ACTIONS AND PROCEDURES

Sec. 507.301. DISCIPLINARY ACTIONS. (a) The executive council may deny, revoke, suspend, or refuse to renew a license or may reprimand a license holder if the applicant or license holder violates:

(1) this chapter;

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

(3) an executive council rule; or

(4) a statute or rule of another state as determined through a search conducted as provided by Section 507.257 if the violation would constitute a violation described by Subdivision (1), (2), or (3) had it occurred in this state.

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

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

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

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

Sec. 507.302. TEMPORARY SUSPENSION. (a) The executive council or a three-member committee of executive

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will solicit input from and request the assistance of the applicable board for a profession regulated by the executive council when the executive council is considering an application for the issuance or renewal of a license that involves an issue related to standards of care or an applicant's professional qualifications.

SUBCHAPTER G. DISCIPLINARY ACTIONS AND PROCEDURES

Sec. 507.301. DISCIPLINARY ACTIONS. (a) The executive council may deny, revoke, suspend, or refuse to renew a license or may reprimand a license holder if the applicant or license holder violates:

(1) this chapter;

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

(3) an executive council rule; or

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

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

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

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

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

Sec. 507.302. TEMPORARY SUSPENSION. (a) The executive council or a three-member committee of executive

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council members designated by the executive council shall temporarily suspend the license of a license holder if the executive council or committee determines from the evidence or information presented to it that continued practice by the license holder would constitute a continuing and imminent threat to the public welfare.

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

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

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

(c) The State Office of Administrative Hearings shall hold a preliminary hearing not later than the 14th day after the date of the temporary suspension to determine if there is probable cause to believe that a continuing and imminent threat to the public welfare still exists. A final hearing on the matter shall be held not later than the 61st day after the date of the temporary suspension.

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

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

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

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

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council members designated by the executive council shall temporarily suspend the license of a license holder if the executive council or committee determines from the evidence or information presented to it that continued practice by the license holder would constitute a continuing and imminent threat to the public welfare.

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

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

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

(b) Rules adopted under this section must:

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

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

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

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

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

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

(b) Rules adopted under this section must:

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

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

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

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

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

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

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

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SUBCHAPTER H. ADMINISTRATIVE PENALTY

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

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

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

(1) the seriousness of the violation, including:

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

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

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

(3) the history of previous violations;

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

(5) efforts made to correct the violation; and

(6) any other matter that justice may require.

Sec. 507.353. NOTICE OF VIOLATION AND PENALTY. If the executive council determines that a violation occurred,

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(1) the recommended disposition would:

(A) have an anti-competitive effect;

(B) result in an administrative inconsistency; or

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

(2) any recommended disciplinary penalty would deviate substantially from the schedule of sanctions for the applicable profession.

SUBCHAPTER H. ADMINISTRATIVE PENALTY

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

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

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

(1) the seriousness of the violation, including:

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

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

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

(3) the history of previous violations;

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

(5) efforts made to correct the violation; and

(6) any other matter that justice may require.

Sec. 507.353. NOTICE OF VIOLATION AND PENALTY. If the executive council determines that a violation occurred,

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the executive council shall give written notice of the violation to the person alleged to have committed the violation. The notice may be given by certified mail. The notice must:

- (1) include a brief summary of the alleged violation;
  - (2) state the amount of the administrative penalty recommended by the executive council; and
  - (3) inform the person of the person's right to a hearing on the occurrence of the violation, the amount of the penalty, or both.
- Sec. 507.354. PENALTY TO BE PAID OR HEARING REQUESTED. (a) Not later than the 20th day after the date the person receives the notice under Section 507.353, the person may in writing:

- (1) accept the executive council's determination and recommended administrative penalty; or
- (2) request a hearing on the occurrence of the violation, the amount of the penalty, or both.

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

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

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

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

Sec. 507.356. DECISION BY EXECUTIVE COUNCIL. (a) Based on the findings of fact, conclusions of law, and

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the executive council shall give written notice of the violation to the person alleged to have committed the violation. The notice may be given by certified mail. The notice must:

- (1) include a brief summary of the alleged violation;
  - (2) state the amount of the administrative penalty recommended by the executive council; and
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proposal for a decision, the executive council by order may determine that:

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

(2) a violation did not occur.

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

Sec. 507.357. OPTIONS FOLLOWING DECISION: PAY OR APPEAL. (a) Not later than the 30th day after the date the executive council's order becomes final, the person shall:

(1) pay the administrative penalty; or

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

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

(1) stay enforcement of the penalty by:

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

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

(i) for the amount of the penalty; and

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

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

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

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

(c) If the executive council receives a copy of an affidavit under Subsection (b)(2), the executive council may file with

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

(2) a violation did not occur.

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the court a contest to the affidavit not later than the fifth day after the date the copy is received.

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

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

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

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

Sec. 507.360. REMITTANCE OF PENALTY AND INTEREST. (a) If, after judicial review, the administrative penalty is reduced or not imposed by the court, the court shall, after the judgment becomes final:

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

(2) order the release of the bond;

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

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

(b) The interest paid under Subsection (a)(1) is the rate

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

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

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charged on loans to depository institutions by the New York Federal Reserve Bank. The interest shall be paid for the period beginning on the date the penalty is paid and ending on the date the penalty is remitted.

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

SUBCHAPTER I. OTHER PENALTIES AND ENFORCEMENT PROVISIONS

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

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

(c) The attorney general or the appropriate county or district attorney shall represent the executive council in an action under this section.

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

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

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

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activity.

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

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

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

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

ARTICLE 2. TRANSFER OF LICENSING PROGRAMS TO TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

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

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

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

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

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activity.

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

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

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

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

Same as House version.

SECTION 2.001. Same as House version.

SECTION 2.002. Same as House version.

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

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

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

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

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

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

(c) If the executive director of the executive council has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the board of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the board, who shall then notify the governor and the attorney general that a potential ground for removal exists.

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SECTION 2.003. Same as House version.

SECTION 2.004. Same as House version.

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

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

- (1) the law governing board operations;
- (2) ~~[this chapter and]~~ the programs, functions, rules, and budget of the board;
- (3) the scope of and limitations on the rulemaking authority of the board;

(4) ~~[(2)]~~ the results of the most recent formal audit of the board;

(5) ~~[(3)]~~ the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest; and

(B) other laws applicable to members of the board in

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

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

- (1) the law governing board operations;
- (2) ~~[this chapter and]~~ the programs, functions, rules, and budget of the board;
- (3) the scope of and limitations on the rulemaking authority of the board;

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

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

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

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

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

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

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

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

(B) other laws applicable to members of the board in

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performing their duties; and  
(6) [(4)] any applicable ethics policies adopted by the board or the Texas Ethics Commission.  
(d) The executive director of the executive council shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each board member. On receipt of the training manual, each board member shall sign and submit to the executive director a statement acknowledging receipt of the training manual.

SECTION 2.006. The heading to Subchapter D, Chapter 501, Occupations Code, is amended to read as follows:  
SUBCHAPTER D. ~~[BOARD]~~ POWERS AND DUTIES

SECTION 2.007. The heading to Section 501.151, Occupations Code, is amended to read as follows:  
Sec. 501.151. GENERAL POWERS AND DUTIES OF EXECUTIVE COUNCIL.

SECTION 2.008. Sections 501.151(c) and (d), Occupations Code, are amended to read as follows:  
(c) The executive council ~~[board]~~ shall adopt and publish a code of ethics under this chapter.  
(d) The executive council ~~[board]~~ may certify the specialty of health service providers under this chapter.

SECTION 2.009. Subchapter D, Chapter 501, Occupations

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performing their duties; and  
(7) [(4)] any applicable ethics policies adopted by the board or the Texas Ethics Commission.  
(d) The executive director of the executive council shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each board member. Each member of the board shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

SECTION 2.006. Same as House version.

SECTION 2.007. Same as House version.

SECTION 2.008. Same as House version.

SECTION 2.009. Same as House version.

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Code, is amended by adding Section 501.1515 to read as follows:

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

(1) rules regarding:

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

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

(C) continuing education requirements for license holders; and

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

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

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

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

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

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

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SECTION 2.010. Same as House version.

SECTION 2.011. Same as House version.

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- (1) applying to take the ~~[provisional]~~ license examination;
  - (2) applying for a license or license renewal;
  - (3) currently licensed under this chapter ~~[by the board]~~; or
  - (4) otherwise providing psychological services under a license approved by the executive council under this chapter ~~[board]~~.
- (b) On a determination by the executive council ~~[board]~~ based on the executive council's ~~[board's]~~ reasonable belief that a person is not physically and mentally competent to provide psychological services with reasonable skill and safety to patients or has a physical or mental disease or condition that would impair the person's competency to provide psychological services, the executive council ~~[board]~~ may request the person to submit to:
- (1) a physical examination by a physician approved by the executive council ~~[board]~~; or
  - (2) a mental examination by a physician or psychologist approved by the executive council ~~[board]~~.
- (c) The executive council ~~[board]~~ shall issue an order requiring a ~~[an applicant or]~~ person ~~[seeking renewal of a provisional license]~~ who refuses to submit to an examination under this section to show cause for the person's refusal at a hearing on the order scheduled for not later than the 30th day after the date notice is served on the person. The executive council ~~[board]~~ shall provide notice under this section by personal service or by registered mail, return receipt requested.
- (d) At the hearing, the person may appear in person and by counsel and present evidence to justify the person's refusal to submit to examination. After the hearing, the executive council ~~[board]~~ shall issue an order requiring the person to submit to examination under this section or withdrawing the

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request for the examination.

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

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

SECTION 2.012. Section 501.252(a), Occupations Code, is amended to read as follows:

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

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

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

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

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

(1) has received:

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

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SECTION 2.013. Same as House version.

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- (B) a doctoral degree in psychology, or the substantial equivalent of a doctoral degree in psychology in both subject matter and extent of training, from a regionally accredited educational institution conferred before January 1, 1979;
- (2) except as provided by Subsection (c) and Section 501.253, has:
- (A) at least two years of supervised experience in the field of psychological services, one year of which may be as part of the doctoral program and at least one year of which began after the date the person's doctoral degree was conferred by an institution of higher education; and
- (B) passed any examination required by Section 501.256;
- (3) has attained the age of majority;
- ~~[(3) has good moral character;]~~
- (4) is physically and mentally competent to provide psychological services with reasonable skill and safety, as determined by the executive council ~~[board]~~;
- (5) is not afflicted with a mental or physical disease or condition that would impair the applicant's competency to provide psychological services;
- (6) has not been convicted of a crime involving moral turpitude or a felony;
- (7) does not use drugs or alcohol to an extent that affects the applicant's professional competency;
- (8) has not engaged in fraud or deceit in making the application; and
- (9) except as provided by Section 501.263, has not:
- (A) aided or abetted the practice of psychology by a person not licensed under this chapter in representing that the person is licensed under this chapter;
- (B) represented that the applicant is licensed under this chapter to practice psychology when the applicant is not

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licensed; or

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

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

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

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

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

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

SECTION 2.014. Section 501.253, Occupations Code, is

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amended to read as follows:

Sec. 501.253. PROVISIONAL STATUS FOR CERTAIN APPLICANTS ~~[LICENSE]~~. (a) The executive council ~~[board shall]~~ issue a ~~[provisional]~~ license with a provisional status to an applicant who has not satisfied the experience or examination requirements of Section 501.2525(a)(2) but is otherwise qualified for the license under Section 501.2525 [~~:(1) passed the examinations prescribed by the board;~~ ~~(2) satisfied the preliminary requirements of Sections 501.254 and 501.255; and~~ ~~(3) paid the fee for a provisional license]~~.  
(b) A ~~[provisional]~~ license holder described by Subsection (a) is entitled to practice psychology under the supervision of a psychologist to meet the requirements for issuance of a license under Section 501.2525, except that if the ~~[501.252. A~~ ~~provisional]~~ license holder ~~[who]~~ is licensed in another state to independently practice psychology and is in good standing in that state, the license holder ~~[and who seeks a license in this state]~~ is entitled to practice psychology without the supervision of a psychologist ~~[during the time that the board is processing the person's application for a license]~~.  
(c) The executive council ~~[board]~~ shall adopt rules that apply to a ~~[provisional]~~ license holder described by Subsection (a) ~~[holders]~~ identifying:  
(1) the activities that the license holder ~~[holders]~~ may engage in; and  
(2) services that may be provided by the license holder ~~[holders]~~.  
(d) The executive council ~~[board]~~ may refuse to renew a ~~[the~~ ~~provisional]~~ license issued under Subsection (a) if the license holder ~~[of a person who]~~ does not meet the requirements prescribed by Section 501.2525(a)(2) ~~[501.255]~~.

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

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

SECTION 2.015. Sections 501.256(a), (b), (c), and (d), Occupations Code, are amended to read as follows:

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

(b) The executive council [~~board~~] shall determine the subject and scope of each examination [~~the examinations~~] and establish appropriate fees for examinations administered. The examination must test the applicant's knowledge of:

- (1) the discipline and profession of psychology; and
- (2) the laws and rules governing the profession of psychology

SENATE VERSION (IE)

CONFERENCE

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

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

(b) The board shall determine the subject and scope of each examination [~~the examinations and establish appropriate fees for examinations administered~~]. The examination must test the applicant's knowledge of:

- (1) the discipline and profession of psychology; and
- (2) the laws and rules governing the profession of psychology

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in this state.

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

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

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

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

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

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

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

SENATE VERSION (IE)

in this state.

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

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

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

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

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

SECTION 2.016. Same as House version.

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

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

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

(1) satisfaction of minimum recognized graduate degree requirements;

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

(A) psychological foundations;

(B) educational foundations;

(C) interventions;

(D) assessments; and

(E) professional issues and ethics;

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

(4) receipt of a passing score on a nationally recognized qualifying examination determined to be appropriate by the executive council [~~board~~] and on any other examination required by the executive council [~~board~~]; and

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

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

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SECTION 2.017. Same as House version.

SECTION 2.018. Same as House version.

CONFERENCE



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

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

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

- (1) pays the required application fee;
  - (2) submits an application to the executive council [~~board~~] in the form prescribed by the executive council [~~board~~];
  - (3) is licensed, certified, or registered as a psychologist or psychological associate by another state having requirements substantially equal to those prescribed by this chapter;
  - (4) is in good standing with the regulatory agency of the jurisdiction in which the person is licensed, certified, or registered;
  - (5) is supervised by a person licensed [~~by the board~~] under this chapter with whom the temporary license holder may consult during the time the person holds a temporary license; and
  - (6) has passed an examination recognized by the executive council [~~board~~] as equivalent to the examination required [~~by the board~~] for a permanent license under this chapter.
- (b) A temporary license is valid only for the period specified by the executive council [~~board~~] and for the limited purpose approved by the executive council [~~board~~].

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SECTION 2.019. Same as House version.

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

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

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

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

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

Sec. 501.301. LICENSE EXPIRATION AND RENEWAL.

(a) The executive council shall adopt rules providing for the expiration and renewal of a [A] license issued under this chapter. The rules must require a license be renewed annually or biennially [expires on December 31 of the year following the date the license is issued or renewed. A license of a psychological associate expires on May 31 of the year following the date the license is issued or renewed].

(b) The executive council [board] by rule may adopt a system under which licenses expire on various dates during the year. For a year in which the expiration date is changed, the executive council [board] shall prorate the licensing fee so that each license holder pays only the portion of the fee that is

SENATE VERSION (IE)

SECTION 2.020. Same as House version.

SECTION 2.021. Same as House version.

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allocable to the number of months during which the license is valid. On renewal of the license on the new expiration date, the entire licensing fee is payable.

SECTION 2.022. Sections 501.351(a) and (c), Occupations Code, are amended to read as follows:

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

- (1) the test or service can be properly and safely performed by the person;
- (2) the person does not represent to the public that the person is authorized to practice psychology; and
- (3) the test or service will be performed in the customary manner and in compliance with any other law.

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

- (1) a psychological test or service may be properly and safely delegated under this section; and
- (2) a delegated act constitutes the practice of psychology under this chapter.

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SECTION 2.022. Same as House version.

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

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

- (1) violates this chapter or a rule adopted under this chapter ~~[by the board]~~;
- (2) is convicted of a felony or of any offense that would be a felony under the laws of this state, or of a violation of a law involving moral turpitude;
- (3) uses drugs or alcohol to an extent that affects the person's professional competency;
- (4) engages in fraud or deceit in connection with services provided as a psychologist;
- (5) except as provided by Section 501.263:
  - (A) aids or abets the practice of psychology by a person not licensed under this chapter in representing that the person is licensed under this chapter;
  - (B) represents that the person is licensed under this chapter to practice psychology when the person is not licensed; or
  - (C) practices psychology in this state without a license under this chapter or without being qualified for an exemption under Section 501.004; or
- (6) commits an act for which liability exists under Chapter 81, Civil Practice and Remedies Code.

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

Sec. 501.407. REMEDIAL CONTINUING EDUCATION.

SENATE VERSION (IE)

SECTION 2.023. Same as House version.

SECTION 2.024. Same as House version.

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The executive council [~~board~~] may require a license holder who violates this chapter to participate in a continuing education program. The executive council [~~board~~] shall specify the continuing education program that the person may attend and the number of hours that the person must complete to fulfill the requirements of this section.

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

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

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

Sec. 501.411. REMEDIAL PLAN. (a) The executive council may issue and establish the terms of a remedial plan to resolve the investigation of a complaint filed under this chapter.

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

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

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

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

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SECTION 2.025. Same as House version.

SECTION 2.026. Same as House version.

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- (1) revokes, suspends, limits, or restricts a person's license; or
- (2) assesses an administrative penalty against a person.
- (d) The executive council may not issue a remedial plan to resolve a complaint against a license holder if the license holder has previously entered into a remedial plan with the executive council for the resolution of a different complaint filed under this chapter.
- (e) The executive council may assess a fee against a license holder participating in a remedial plan in an amount necessary to recover the costs of administering the plan.

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

Sec. 501.505. OPTION TO ORDER REFUND. (a) Under an agreement resulting from an informal settlement conference, the executive council [~~board~~] may order a license holder to refund to the person who paid for the psychological services at issue an amount not to exceed the amount the person paid to the license holder for a service regulated by this chapter instead of or in addition to imposing an administrative penalty under Subchapter H, Chapter 507 [~~this chapter~~].

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

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

SUBCHAPTER L. PSYCHOLOGY  
INTERJURISDICTIONAL COMPACT

Sec. 501.601. PSYCHOLOGY INTERJURISDICTIONAL COMPACT. The Psychology Interjurisdictional Compact is

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SECTION 2.027. Same as House version.

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

SUBCHAPTER L. PSYCHOLOGY  
INTERJURISDICTIONAL COMPACT

Sec. 501.601. PSYCHOLOGY INTERJURISDICTIONAL COMPACT. The Psychology Interjurisdictional Compact is

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enacted and entered into as follows:

PSYCHOLOGY INTERJURISDICTIONAL COMPACT

ARTICLE I. PURPOSE

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

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

Whereas, this Compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for 30 days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority;

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

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

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

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

Consistent with these principles, this Compact is designed to

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achieve the following purposes and objectives:

1. Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state which the psychologist is not licensed to practice psychology;
2. Enhance the states' ability to protect the public's health and safety, especially client/patient safety;
3. Encourage the cooperation of Compact States in the areas of psychology licensure and regulation;
4. Facilitate the exchange of information between Compact States regarding psychologist licensure, adverse actions and disciplinary history;
5. Promote compliance with the laws governing psychological practice in each Compact State; and
6. Invest all Compact States with the authority to hold licensed psychologists accountable through the mutual recognition of Compact State licenses.

ARTICLE II. DEFINITIONS

- A. "Adverse Action" means: Any action taken by a State Psychology Regulatory Authority which finds a violation of a statute or regulation that is identified by the State Psychology Regulatory Authority as discipline and is a matter of public record.
- B. "Association of State and Provincial Psychology Boards (ASPPB)" means: the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.
- C. "Authority to Practice Interjurisdictional Telepsychology" means: a licensed psychologist's authority to practice telepsychology, within the limits authorized under this

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Compact, in another Compact State.

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

E. "Client/Patient" means: the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, and/or consulting services.

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

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

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

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

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

K. "Distant State" means: the Compact State where a psychologist is physically present (not through the use of telecommunications technologies), to provide temporary in-

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Compact, in another Compact State.

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person, face-to-face psychological services.

L. "E.Passport" means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.

M. "Executive Board" means: a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

N. "Home State" means: a Compact State where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one Compact State and is practicing under the Authorization to Practice Interjurisdictional Telepsychology, the Home State is the Compact State where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one Compact State and is practicing under the Temporary Authorization to Practice, the Home State is any Compact State where the psychologist is licensed.

O. "Identity History Summary" means: a summary of information retained by the FBI, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service.

P. "In-Person, Face-to-Face" means: interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies.

Q. "Interjurisdictional Practice Certificate (IPC)" means: a certificate issued by the Association of State and Provincial

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Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the State Psychology Regulatory Authority of intention to practice temporarily, and verification of one's qualifications for such practice.

R. "License" means: authorization by a State Psychology Regulatory Authority to engage in the independent practice of psychology, which would be unlawful without the authorization.

S. "Non-Compact State" means: any State which is not at the time a Compact State.

T. "Psychologist" means: an individual licensed for the independent practice of psychology.

U. "Psychology Interjurisdictional Compact Commission" also referred to as "Commission" means: the national administration of which all Compact States are members.

V. "Receiving State" means: a Compact State where the client/patient is physically located when the telepsychological services are delivered.

W. "Rule" means: a written statement by the Psychology Interjurisdictional Compact Commission promulgated pursuant to Section XI of the Compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Commission and has the force and effect of statutory law in a Compact State, and includes the amendment, repeal or suspension of an existing rule.

X. "Significant Investigatory Information" means:

1. investigative information that a State Psychology Regulatory Authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be

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R. "License" means: authorization by a State Psychology Regulatory Authority to engage in the independent practice of psychology, which would be unlawful without the authorization.

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1. investigative information that a State Psychology Regulatory Authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be

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considered more substantial than minor infraction; or  
2. investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and/or had an opportunity to respond.  
Y. "State" means: a state, commonwealth, territory, or possession of the United States, the District of Columbia.  
Z. "State Psychology Regulatory Authority" means: the Board, office or other agency with the legislative mandate to license and regulate the practice of psychology.  
AA. "Telepsychology" means: the provision of psychological services using telecommunication technologies.  
BB. "Temporary Authorization to Practice" means: a licensed psychologist's authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this Compact, in another Compact State.  
CC. "Temporary In-Person, Face-to-Face Practice" means: where a psychologist is physically present (not through the use of telecommunications technologies), in the Distant State to provide for the practice of psychology for 30 days within a calendar year and based on notification to the Distant State.  
ARTICLE III. HOME STATE LICENSURE  
A. The Home State shall be a Compact State where a psychologist is licensed to practice psychology.  
B. A psychologist may hold one or more Compact State licenses at a time. If the psychologist is licensed in more than one Compact State, the Home State is the Compact State where the psychologist is physically present when the services are delivered as authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.  
C. Any Compact State may require a psychologist not

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considered more substantial than minor infraction; or  
2. investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and/or had an opportunity to respond.  
Y. "State" means: a state, commonwealth, territory, or possession of the United States, the District of Columbia.  
Z. "State Psychology Regulatory Authority" means: the Board, office or other agency with the legislative mandate to license and regulate the practice of psychology.  
AA. "Telepsychology" means: the provision of psychological services using telecommunication technologies.  
BB. "Temporary Authorization to Practice" means: a licensed psychologist's authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this Compact, in another Compact State.  
CC. "Temporary In-Person, Face-to-Face Practice" means: where a psychologist is physically present (not through the use of telecommunications technologies), in the Distant State to provide for the practice of psychology for 30 days within a calendar year and based on notification to the Distant State.  
ARTICLE III. HOME STATE LICENSURE  
A. The Home State shall be a Compact State where a psychologist is licensed to practice psychology.  
B. A psychologist may hold one or more Compact State licenses at a time. If the psychologist is licensed in more than one Compact State, the Home State is the Compact State where the psychologist is physically present when the services are delivered as authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.  
C. Any Compact State may require a psychologist not

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previously licensed in a Compact State to obtain and retain a license to be authorized to practice in the Compact State under circumstances not authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

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

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

1. Currently requires the psychologist to hold an active E.Passport;

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

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

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

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

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

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

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

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previously licensed in a Compact State to obtain and retain a license to be authorized to practice in the Compact State under circumstances not authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

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

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

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

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

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

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

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

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

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

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

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

ARTICLE IV. COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

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

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

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

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

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

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

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

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

ARTICLE IV. COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

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

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

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

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

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

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evaluation service; AND

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

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

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

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

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

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

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

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

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

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

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

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

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evaluation service; AND

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

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

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

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

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

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

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

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

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4. Have no history of adverse action that violate the Rules of the Commission;
  5. Have no criminal record history reported on an Identity History Summary that violates the Rules of the Commission;
  6. Possess a current, active E.Passport;
  7. Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the Commission; and
  8. Meet other criteria as defined by the Rules of the Commission.
- C. The Home State maintains authority over the license of any psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology.
- D. A psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology will be subject to the Receiving State's scope of practice. A Receiving State may, in accordance with that state's due process law, limit or revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology in the Receiving State and may take any other necessary actions under the Receiving State's applicable law to protect the health and safety of the Receiving State's citizens. If a Receiving State takes action, the state shall promptly notify the Home State and the Commission.
- E. If a psychologist's license in any Home State, another Compact State, or any Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is restricted, suspended or otherwise limited, the E.Passport shall be

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4. Have no history of adverse action that violate the Rules of the Commission;
  5. Have no criminal record history reported on an Identity History Summary that violates the Rules of the Commission;
  6. Possess a current, active E.Passport;
  7. Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the Commission; and
  8. Meet other criteria as defined by the Rules of the Commission.
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- D. A psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology will be subject to the Receiving State's scope of practice. A Receiving State may, in accordance with that state's due process law, limit or revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology in the Receiving State and may take any other necessary actions under the Receiving State's applicable law to protect the health and safety of the Receiving State's citizens. If a Receiving State takes action, the state shall promptly notify the Home State and the Commission.
- E. If a psychologist's license in any Home State, another Compact State, or any Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is restricted, suspended or otherwise limited, the E.Passport shall be

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revoked and therefore the psychologist shall not be eligible to practice telepsychology in a Compact State under the Authority to Practice Interjurisdictional Telepsychology.

ARTICLE V. COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

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

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

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

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

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

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

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

b. The psychology program must stand as a recognizable,

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ARTICLE V. COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

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

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

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

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

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

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

b. The psychology program must stand as a recognizable,

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coherent, organizational entity within the institution;  
c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;  
d. The program must consist of an integrated, organized sequence of study;  
e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;  
f. The designated director of the program must be a psychologist and a member of the core faculty;  
g. The program must have an identifiable body of students who are matriculated in that program for a degree;  
h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;  
i. The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degree;  
j. The program includes an acceptable residency as defined by the Rules of the Commission.  
3. Possess a current, full and unrestricted license to practice psychology in a Home State which is a Compact State;  
4. No history of adverse action that violate the Rules of the Commission;  
5. No criminal record history that violates the Rules of the Commission;  
6. Possess a current, active IPC;  
7. Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the Commission; and

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coherent, organizational entity within the institution;  
c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;  
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f. The designated director of the program must be a psychologist and a member of the core faculty;  
g. The program must have an identifiable body of students who are matriculated in that program for a degree;  
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i. The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degree;  
j. The program includes an acceptable residency as defined by the Rules of the Commission.  
3. Possess a current, full and unrestricted license to practice psychology in a Home State which is a Compact State;  
4. No history of adverse action that violate the Rules of the Commission;  
5. No criminal record history that violates the Rules of the Commission;  
6. Possess a current, active IPC;  
7. Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the Commission; and

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

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

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

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

ARTICLE VI. CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

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

1. The psychologist initiates a client/patient contact in a Home State via telecommunications technologies with a client/patient in a Receiving State;

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

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

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

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

ARTICLE VI. CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

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

1. The psychologist initiates a client/patient contact in a Home State via telecommunications technologies with a client/patient in a Receiving State;

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2. Other conditions regarding telepsychology as determined by Rules promulgated by the Commission.

ARTICLE VII. ADVERSE ACTIONS

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

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

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

1. All Home State disciplinary orders which impose adverse action shall be reported to the Commission in accordance with the Rules promulgated by the Commission. A Compact State shall report adverse actions in accordance with the Rules of the Commission.

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

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

D. A Home State's Psychology Regulatory Authority shall

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2. Other conditions regarding telepsychology as determined by Rules promulgated by the Commission.

ARTICLE VII. ADVERSE ACTIONS

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

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

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

1. All Home State disciplinary orders which impose adverse action shall be reported to the Commission in accordance with the Rules promulgated by the Commission. A Compact State shall report adverse actions in accordance with the Rules of the Commission.

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

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

D. A Home State's Psychology Regulatory Authority shall

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investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a Receiving State as it would if such conduct had occurred by a licensee within the Home State. In such cases, the Home State's law shall control in determining any adverse action against a psychologist's license.

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

F. Nothing in this Compact shall override a Compact State's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the Compact State's law. Compact States must require psychologists who enter any alternative programs to not provide telepsychology services under the Authority to Practice Interjurisdictional Telepsychology or provide temporary psychological services under the Temporary Authorization to Practice in any other Compact State during the term of the alternative program.

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

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

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investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a Receiving State as it would if such conduct had occurred by a licensee within the Home State. In such cases, the Home State's law shall control in determining any adverse action against a psychologist's license.

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

F. Nothing in this Compact shall override a Compact State's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the Compact State's law. Compact States must require psychologists who enter any alternative programs to not provide telepsychology services under the Authority to Practice Interjurisdictional Telepsychology or provide temporary psychological services under the Temporary Authorization to Practice in any other Compact State during the term of the alternative program.

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

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

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

1. Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a Compact State's Psychology Regulatory Authority for the attendance and testimony of witnesses, and/or the production of evidence from another Compact State shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing State Psychology Regulatory Authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

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

3. During the course of any investigation, a psychologist may not change his/her Home State licensure. A Home State Psychology Regulatory Authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The Home State Psychology Regulatory Authority shall promptly report the conclusions of such investigations to the Commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his/her Home State licensure. The Commission shall promptly notify the new Home State of any such decisions as provided in the Rules of the Commission. All information provided to the

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

1. Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a Compact State's Psychology Regulatory Authority for the attendance and testimony of witnesses, and/or the production of evidence from another Compact State shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing State Psychology Regulatory Authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

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

3. During the course of any investigation, a psychologist may not change his/her Home State licensure. A Home State Psychology Regulatory Authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The Home State Psychology Regulatory Authority shall promptly report the conclusions of such investigations to the Commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his/her Home State licensure. The Commission shall promptly notify the new Home State of any such decisions as provided in the Rules of the Commission. All information provided to the

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Commission or distributed by Compact States pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The Commission may create additional rules for mandated or discretionary sharing of information by Compact States.

ARTICLE IX. COORDINATED LICENSURE INFORMATION SYSTEM

A. The Commission shall provide for the development and maintenance of a Coordinated Licensure Information System (Coordinated Database) and reporting system containing licensure and disciplinary action information on all psychologists individuals to whom this Compact is applicable in all Compact States as defined by the Rules of the Commission.

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

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

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Commission or distributed by Compact States pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The Commission may create additional rules for mandated or discretionary sharing of information by Compact States.

ARTICLE IX. COORDINATED LICENSURE INFORMATION SYSTEM

A. The Commission shall provide for the development and maintenance of a Coordinated Licensure Information System (Coordinated Database) and reporting system containing licensure and disciplinary action information on all psychologists individuals to whom this Compact is applicable in all Compact States as defined by the Rules of the Commission.

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

1. Identifying information;
2. Licensure data;
3. Significant investigatory information;
4. Adverse actions against a psychologist's license;
5. An indicator that a psychologist's Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice is revoked;
6. Non-confidential information related to alternative program participation information;
7. Any denial of application for licensure, and the reasons for such denial; and
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C. The Coordinated Database administrator shall promptly notify all Compact States of any adverse action taken against, or significant investigative information on, any licensee in a Compact State.

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

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

ARTICLE X. ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION

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

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

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

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

B. Membership, Voting, and Meetings

1. The Commission shall consist of one voting representative appointed by each Compact State who shall serve as that state's Commissioner. The State Psychology Regulatory Authority shall appoint its delegate. This delegate shall be

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

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empowered to act on behalf of the Compact State. This delegate shall be limited to:

a. Executive Director, Executive Secretary or similar executive;

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

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

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

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

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

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

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

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

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personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

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

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

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

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

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

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

i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the Compact; or

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

7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents

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considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

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

1. Establishing the fiscal year of the Commission;

2. Providing reasonable standards and procedures:

a. for the establishment and meetings of other committees; and

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

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

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

5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the

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Commission. Notwithstanding any civil service or other similar law of any Compact State, the Bylaws shall exclusively govern the personnel policies and programs of the Commission;

6. Promulgating a Code of Ethics to address permissible and prohibited activities of Commission members and employees;

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

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

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

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

D. The Commission shall have the following powers:

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

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

3. To purchase and maintain insurance and bonds;

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

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including, but not limited to, employees of a Compact State;

5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

6. To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict of interest;

7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall strive to avoid any appearance of impropriety;

8. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;

9. To establish a budget and make expenditures;

10. To borrow money;

11. To appoint committees, including advisory committees comprised of Members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the Bylaws;

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

13. To adopt and use an official seal; and

14. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent

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with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.

E. The Executive Board

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

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

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

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

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

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

4. The Executive Board shall meet at least annually.

5. The Executive Board shall have the following duties and responsibilities:

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

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

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

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

f. Establish additional committees as necessary; and

g. Other duties as provided in Rules or Bylaws.

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F. Financing of the Commission

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

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

3. The Commission may levy on and collect an annual assessment from each Compact State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission which shall promulgate a rule binding upon all Compact States.

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

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

G. Qualified Immunity, Defense, and Indemnification

1. The members, officers, Executive Director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for

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any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

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

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

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ARTICLE XI. RULEMAKING

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

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

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

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

1. On the website of the Commission; and
2. On the website of each Compact States' Psychology Regulatory Authority or the publication in which each state would otherwise publish proposed rules.

E. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
2. The text of the proposed rule or amendment and the reason for the proposed rule;
3. A request for comments on the proposed rule from any interested person; and
4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

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

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

1. At least twenty-five (25) persons who submit comments independently of each other;
2. A governmental subdivision or agency; or
3. A duly appointed person in an association that has having at least twenty-five (25) members.

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

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

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

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

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

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

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

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

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

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

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

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section.

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

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

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

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of Commission or Compact State funds;
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors.

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section.

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

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Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

ARTICLE XII. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

A. Oversight

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

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

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

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Compact State has

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Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

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defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

a. Provide written notice to the defaulting state and other Compact States of the nature of the default, the proposed means of remedying the default and/or any other action to be taken by the Commission; and

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

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

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

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

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

6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the

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state of Georgia or the federal district where the Compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution

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

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

D. Enforcement

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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ARTICLE XIV. CONSTRUCTION AND SEVERABILITY

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

Sec. 501.602. RULES ADOPTED UNDER COMPACT. The Psychology Interjurisdictional Compact Commission established under the Psychology Interjurisdictional Compact under Section 501.601 may not adopt rules that alter the requirements or scope of practice of a license issued under Chapter 501. Any rule adopted by the Psychology Interjurisdictional Compact Commission that purports to alter the requirements or scope of practice of a license issued under Chapter 501 is not enforceable.

Sec. 501.603. DISCLOSURE OF PERSONAL INFORMATION. (a) In reporting information to the Coordinated Licensure Information System under Article IX of the Psychology Interjurisdictional Compact, the executive council may disclose personally identifiable information about a person who holds a license under this chapter, including the person's social security number.

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

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

(2) "Executive council" [~~Commissioner~~] means the Texas Behavioral Health Executive Council [~~commissioner of state~~]

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ARTICLE XIV. CONSTRUCTION AND SEVERABILITY

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

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

Sec. 501.603. DISCLOSURE OF PERSONAL INFORMATION. (a) In reporting information to the Coordinated Licensure Information System under Article IX of the Psychology Interjurisdictional Compact, the executive council may disclose personally identifiable information about a person who holds a license under this chapter, including the person's social security number.

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

SECTION 2.029. Same as House version.

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~~health services].~~

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

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

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

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

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

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

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

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

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SECTION 2.030. Same as House version.

SECTION 2.031. Same as House version.

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

(c) If the executive director of the executive council has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the board of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the board, who shall then notify the governor and attorney general that a potential ground for removal exists.

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

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

- (1) the law governing board operations [~~this chapter~~];
- (2) the programs, operated by the board; [~~(3) the role and~~] functions, of the board;
- [(4) the] rules, and [~~of the board, with an emphasis on the rules that relate to disciplinary and investigatory authority~~];
- [(5) the current] budget of [~~for~~] the board;
- (3) the scope of and limitations on the rulemaking authority of the board;

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SECTION 2.032. Same as House version.

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

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- (1) the law governing board operations [~~this chapter~~];
- (2) the programs, operated by the board; [~~(3) the role and~~] functions, of the board;
- [(4) the] rules, and [~~of the board, with an emphasis on the rules that relate to disciplinary and investigatory authority~~];
- [(5) the current] budget of [~~for~~] the board;
- (3) the scope of and limitations on the rulemaking authority of the board;
- (4) the types of board rules, interpretations, and enforcement actions that may implicate federal antitrust law by limiting competition or impacting prices charged by persons engaged

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(4) [(6)] the results of the most recent formal audit of the board;

(5) [(7)] the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts [~~conflict~~] of interest; and

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

(6) [(8)] any applicable ethics policies adopted by the board or the Texas Ethics Commission.

(d) The executive director of the executive council shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each board member. On receipt of the training manual, each board member shall sign and submit to the executive director a statement acknowledging receipt of the training manual.

SECTION 2.034. The heading to Subchapter D, Chapter 502, Occupations Code, is amended to read as follows:  
SUBCHAPTER D. [BOARD] POWERS AND DUTIES

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in a profession or business the board regulates, including any rule, interpretation, or enforcement action that:

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

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

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

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

(5) [(6)] the results of the most recent formal audit of the board;

(6) [(7)] the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosure of conflicts [~~conflict~~] of interest; and

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

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

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

SECTION 2.034. Same as House version.

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

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

- (1) determine the qualifications and fitness of a license applicant under this chapter; and
- (2) adopt a code of professional ethics for license holders.

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

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

(1) rules regarding:

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

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

(C) continuing education requirements for license holders; and

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

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

Sec. 502.155. POWERS AND DUTIES REGARDING

SECTION 2.035. Same as House version.

SECTION 2.036. Same as House version.

SECTION 2.037. Same as House version.

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EXAMINATION. The executive council [board] shall:

- (1) determine the times and places for licensing examinations;
- (2) offer examinations at least semiannually; and
- (3) give reasonable public notice of the examinations in the manner provided by executive council [board] rules.

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

Sec. 502.159. EX PARTE COMMUNICATION PROHIBITED. A [board] member of the executive council or an [department] employee of the executive council who ~~[performs functions for the board and who]~~ is assigned to make a decision, a finding of fact, or a conclusion of law in a proceeding pending before the executive council [board] may not directly or indirectly communicate with a party to the proceeding or the party's representative unless notice and an opportunity to participate are given to each party to the proceeding.

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

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

- (1) file a written application with the executive council [board] on a form prescribed by the executive council [board]; and
  - (2) pay the appropriate application fee.
- (b) To qualify for a license as a licensed marriage and family therapist associate, a person must:

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

Sec. 502.159. EX PARTE COMMUNICATION PROHIBITED. A [board] member of the executive council or board or an [department] employee of the executive council who ~~[performs functions for the board and who]~~ is assigned to make a decision, a finding of fact, or a conclusion of law in a proceeding pending before the executive council [board] may not directly or indirectly communicate with a party to the proceeding or the party's representative unless notice and an opportunity to participate are given to each party to the proceeding.

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

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- (1) be at least 18 years of age;
  - (2) have completed a graduate internship in marriage and family therapy, or an equivalent internship, as approved by the executive council ~~[board]~~;
  - (3) pass the license examination and jurisprudence examination required under this chapter ~~determined by the board~~;
  - (4) hold a master's or doctoral degree in marriage and family therapy or in a related mental health field with coursework and training determined by the executive council ~~[board]~~ to be substantially equivalent to a graduate degree in marriage and family therapy from a regionally accredited institution of higher education or an institution of higher education approved by the executive council ~~[board]~~;
  - (5) ~~[be of good moral character;~~
  - ~~(6)~~ have not been convicted of a felony or a crime involving moral turpitude;
  - ~~(6)~~ ~~(7)~~ not use drugs or alcohol to an extent [that affects the applicant's professional competency;
  - ~~(7)~~ ~~(8)~~ not have had a license or certification revoked by a licensing agency or by a certifying professional organization; and
  - ~~(8)~~ ~~(9)~~ not have engaged in fraud or deceit in applying for a license under this chapter.
- (c) An applicant is eligible to apply for a license as a licensed marriage and family therapist if the person:
- (1) meets the requirements of Subsection (b);
  - (2) after receipt of a degree described by Subsection (b)(4), has completed two years of work experience in marriage and family therapist services that includes at least 3,000 hours of clinical practice consisting of ~~[which:~~
  - ~~(A)~~ at least 1,500 hours ~~[consist]~~ of direct clinical services.

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- (1) be at least 18 years of age;
  - (2) have completed a graduate internship in marriage and family therapy, or an equivalent internship, as approved by the executive council ~~[board]~~;
  - (3) pass the license examination and jurisprudence examination determined by the board;
  - (4) hold a master's or doctoral degree in marriage and family therapy or in a related mental health field with coursework and training determined by the executive council ~~[board]~~ to be substantially equivalent to a graduate degree in marriage and family therapy from a regionally accredited institution of higher education or an institution of higher education approved by the executive council ~~[board]~~;
  - (5) ~~[be of good moral character;~~
  - ~~(6)~~ have not been convicted of a felony or a crime involving moral turpitude;
  - ~~(6)~~ ~~(7)~~ not use drugs or alcohol to an extent that affects the applicant's professional competency;
  - ~~(7)~~ ~~(8)~~ not have had a license or certification revoked by a licensing agency or by a certifying professional organization; and
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including a minimum number of [; and  
~~[(B) at least 750]~~ hours providing [eonsist of] direct clinical services to couples or families as required by executive council rule; and  
(3) has completed, in a manner acceptable to the executive council [board], at least 200 hours of supervised provision of direct clinical services by the applicant, 100 hours of which must be supervised on an individual basis.

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

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

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

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

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

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

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including a minimum number of [; and  
~~[(B) at least 750]~~ hours providing [eonsist of] direct clinical services to couples or families as required by executive council rule; and  
(3) has completed, in a manner acceptable to the executive council [board], at least 200 hours of supervised provision of direct clinical services by the applicant, 100 hours of which must be supervised on an individual basis.

SECTION 2.040. Same as House version.

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

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

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

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

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

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

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

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

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SECTION 2.041. Same as House version.

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

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

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

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

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

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

(2) holds a license issued by another licensing agency in a profession related to the practice of marriage and family therapy and the executive council [~~board~~] determines that the applicant possesses sufficient education and professional experience to receive a license without satisfying the examination requirements of this chapter.

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

SECTION 2.044. Section 502.257, Occupations Code, is amended to read as follows:

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

(1) complies with the requirements of this chapter;

(2) passes the licensing examination, unless the executive council [~~board~~] exempts the person from the examination

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SECTION 2.043. Same as House version.

SECTION 2.044. Same as House version.

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requirement; and  
(3) pays the required fees.

SECTION 2.045. Section 502.258(a), Occupations Code, is amended to read as follows:

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

SECTION 2.045. Same as House version.

SECTION 2.046. Section 502.259, Occupations Code, is amended to read as follows:

Sec. 502.259. PROVISIONAL LICENSE. (a) The executive council [~~board~~] may grant a provisional license to practice as a marriage and family therapist in this state without examination to an applicant who is licensed or otherwise registered as a marriage and family therapist by another state or jurisdiction if the requirements to be licensed or registered in the other state or jurisdiction were, on the date the person was licensed or registered, substantially equal to the requirements of this chapter.

(b) An applicant for a provisional license must:

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

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

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

(B) relates to marriage and family therapy; and

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

SECTION 2.046. Same as House version.

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

(d) A provisional license is valid until the date the executive council [~~board~~] approves or denies the provisional license holder's application for a license under Section 502.257. The executive council [~~board~~] shall complete processing of a provisional license holder's application for a license not later than the 180th day after the date the provisional license is issued. The executive council [~~board~~] may extend this period to allow for the receipt and tabulation of pending examination results.

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

- (1) the provisional license holder passes the examination required by Section 502.254;
- (2) the executive council [~~board~~] verifies that the provisional license holder satisfies the academic and experience requirements of this chapter; and
- (3) the provisional license holder satisfies any other license requirements under this chapter.

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

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

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SECTION 2.047. Same as House version.

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

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

(1) notifies the executive council [~~board~~] in writing that the person intends to return to active practice;

(2) pays an administrative fee; and

(3) complies with educational or other requirements the executive council [~~board~~] adopts by rule.

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

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

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

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

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

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

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

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SECTION 2.048. Same as House version.

SECTION 2.049. Same as House version.

SECTION 2.050. Same as House version.

SECTION 2.051. Same as House version.

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

- (1) is convicted of a misdemeanor involving moral turpitude or a felony;
- (2) obtains or attempts to obtain a license by fraud or deception;
- (3) uses drugs or alcohol to an extent that affects the license holder's professional competence;
- (4) performs professional duties in a grossly negligent manner;
- (5) is adjudicated as mentally incompetent by a court;
- (6) practices in a manner that is detrimental to the public health or welfare;
- (7) advertises in a manner that tends to deceive or defraud the public;
- (8) has a license or certification revoked by a licensing agency or a certifying professional organization;
- (9) violates this chapter or a rule or code of ethics adopted under this chapter; or
- (10) commits an act for which liability exists under Chapter 81, Civil Practice and Remedies Code.

SECTION 2.052. Section 502.357, Occupations Code, is amended to read as follows:

Sec. 502.357. GROUNDS FOR REFUSING RENEWAL.  
The executive council [~~board~~] may refuse to renew the license of a person who fails to pay an administrative penalty imposed

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SECTION 2.052. Same as House version.

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under Subchapter H, Chapter 507, [F] unless enforcement of the penalty is stayed or a court has ordered that the administrative penalty is not owed.

SECTION 2.053. Section 502.358, Occupations Code, is amended to read as follows:

Sec. 502.358. REFUND. (a) Subject to Subsection (b), the executive council [~~board~~] may order a license holder to pay a refund to a consumer as provided in an agreement resulting from an informal settlement conference instead of or in addition to imposing an administrative penalty under Subchapter H, Chapter 507 [~~this chapter~~].

(b) The amount of a refund ordered as provided in an agreement resulting from an informal settlement conference may not exceed the amount the consumer paid to the license holder for a service regulated by this chapter. The executive council [~~board~~] may not require payment of other damages or estimate harm in a refund order.

SECTION 2.054. The heading to Subchapter J, Chapter 502, Occupations Code, is amended to read as follows:

SUBCHAPTER J. CRIMINAL PENALTY [~~OTHER PENALTIES AND ENFORCEMENT PROVISIONS~~]

SECTION 2.055. Section 503.002(2), Occupations Code, is amended to read as follows:

(2) "Executive council" [~~"Department"~~] means the Texas Behavioral Health Executive Council [~~Department of State Health Services~~].

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SECTION 2.053. Same as House version.

SECTION 2.054. Same as House version.

SECTION 2.055. Same as House version.

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SECTION 2.056. The heading to Section 503.104, Occupations Code, is amended to read as follows:  
Sec. 503.104. MEMBERSHIP [~~AND EMPLOYEE~~] RESTRICTIONS.

SECTION 2.056. Same as House version.

SECTION 2.057. Sections 503.104(b) and (c), Occupations Code, are amended to read as follows:

SECTION 2.057. Same as House version.

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

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

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

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

SECTION 2.058. Section 503.107(c), Occupations Code, is amended to read as follows:

SECTION 2.058. Same as House version.

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(c) If the executive director of the executive council has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the board of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the board, who shall then notify the governor and attorney general that a potential ground for removal exists.

SECTION 2.059. Section 503.110, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

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

(1) the law governing board operations;

(2) ~~[this chapter and]~~ the ~~[board's]~~ programs, functions, rules, and budget of the board;

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

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SECTION 2.059. Section 503.110, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

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

(1) the law governing board operations;

(2) ~~[this chapter and]~~ the ~~[board's]~~ programs, functions, rules, and budget of the board;

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

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

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

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

(C) affects the price of goods or services provided by persons

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(4) [(2)] the results of the most recent formal audit of the board;

(5) [(3)] the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts-of-interest; and

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

(6) [(4)] any applicable ethics policies adopted by the board or the Texas Ethics Commission.

(d) The executive director of the executive council shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each board member. On receipt of the training manual, each board member shall sign and submit to the executive director a statement acknowledging receipt of the training manual.

SECTION 2.060. The heading to Subchapter E, Chapter 503, Occupations Code, is amended to read as follows:  
SUBCHAPTER E. [~~BOARD~~] POWERS AND DUTIES

SECTION 2.061. Section 503.201, Occupations Code, is amended to read as follows:  
Sec. 503.201. GENERAL POWERS AND DUTIES OF EXECUTIVE COUNCIL. (a) The executive council [~~board~~] shall:

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

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

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

(A) laws relating to open meetings, public information, administrative procedure, and disclosure of conflicts of interest [~~conflicts of interest~~]; and

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

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

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

SECTION 2.060. Same as House version.

SECTION 2.061. Same as House version.

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- (1) determine the qualifications and fitness of an applicant for a license, license renewal, or provisional license;
- (2) examine for, deny, approve, issue, revoke, suspend, suspend on an emergency basis, place on probation, and renew the license of an applicant or license holder under this chapter;
- (3) adopt and publish a code of ethics; and
- (4) by rule adopt a list of authorized counseling methods or practices that a license holder may undertake or perform[; ~~and~~ ~~(5) adopt an official seal~~].
- (b) The executive council [~~board~~] may request and shall receive the assistance of a state educational institution or other state agency.

SECTION 2.062. Subchapter E, Chapter 503, Occupations Code, is amended by adding Section 503.2015 to read as follows:

Sec. 503.2015. BOARD DUTIES. The board shall propose to the executive council:

- (1) rules regarding:
  - (A) the qualifications necessary to obtain a license, including rules limiting an applicant's eligibility for a license based on the applicant's criminal history;
  - (B) the scope of practice of and standards of care and ethical practice for professional counseling; and
  - (C) continuing education requirements for license holders;
- and
- (2) a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

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SECTION 2.062. Same as House version.

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SECTION 2.063. Section 503.302, Occupations Code, is amended to read as follows:

Sec. 503.302. QUALIFICATIONS FOR LICENSE. (a) A person qualifies for a license 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 regionally accredited institution of higher education and the number of graduate semester hours required by executive council [~~board~~] rule, which may not be less than 48 hours and must include 300 clock hours of supervised practicum that:
    - (A) is primarily counseling in nature; and
    - (B) meets the specific academic course content and training standards established by the executive council [~~board~~];
  - (4) has completed the number of supervised experience hours required by executive council [~~board~~] rule, which may not be less than 3,000 hours working in a counseling setting that meets the requirements established by the executive council [~~board~~] after the completion of the graduate program described by Subdivision (3);
  - (5) [~~except as provided by Subsection (b),~~] passes the license examination and jurisprudence examination required by this chapter;
  - (6) submits an application as required by the executive council [~~board~~], accompanied by the required application fee; and
  - (7) meets any other requirement prescribed by the executive council [~~board~~].
- (b) [~~(d)~~] In establishing the standards described by Subsection (a)(3)(B), the executive council [~~board~~] shall review and consider the standards as developed by the appropriate

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SECTION 2.063. Same as House version.

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professional association.

(c) [↔] The executive council [~~board~~] may require the statements on a license application to be made under oath.

SECTION 2.064. Subchapter G, Chapter 503, Occupations Code, is amended by adding Section 503.3025 to read as follows:

Sec. 503.3025. EXPERIENCE REQUIRED TO ACT AS SUPERVISOR. The executive council shall allow a license holder who has practiced as a licensed counselor in another state to count that out-of-state experience toward any experience that the license holder is required by executive council rule to obtain to act as a supervisor under this chapter if the executive council determines that the other state has license requirements substantially equivalent to the requirements of this chapter.

SECTION 2.064. Same as House version.

SECTION 2.065. Section 503.303(b), Occupations Code, is amended to read as follows:

(b) The executive council [~~board~~] shall accept an individual course from an art therapy program accredited through the American Art Therapy Association as satisfying the education requirements under Section 503.302(a)(3) if at least 75 percent of the course content is substantially equivalent to the content of a course required by executive council [~~board~~] rule.

SECTION 2.065. Same as House version.

SECTION 2.066. Section 503.304, Occupations Code, is amended to read as follows:

Sec. 503.304. REVIEW OF APPLICATION. (a) Not later

SECTION 2.066. Same as House version.

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than the 30th day before the examination date, after investigation of a license application and review of other evidence submitted, the executive council [~~board~~] shall notify the applicant that the application and evidence submitted are:

- (1) satisfactory and accepted; or
- (2) unsatisfactory and rejected.

(b) If the executive council [~~board~~] rejects an application, the executive council [~~board~~] shall state in the notice the reasons for the rejection.

SECTION 2.067. Section 503.305, Occupations Code, is amended to read as follows:

Sec. 503.305. LICENSE EXAMINATION. (a) The executive council [~~board~~] shall administer examinations to determine the competence of qualified applicants at least twice each calendar year.

(b) The executive council [~~board~~] shall contract with a nationally recognized testing organization to develop and administer a written professional counselor licensing examination to applicants who apply for a license under this chapter.

SECTION 2.068. Section 503.3055, Occupations Code, is amended to read as follows:

Sec. 503.3055. JURISPRUDENCE EXAMINATION. (a) The executive council [~~board~~] shall develop and administer at least twice each calendar year a jurisprudence examination to determine an applicant's knowledge of this chapter, executive council [~~board~~] rules, and any other applicable laws of this state affecting the applicant's professional counseling practice.

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SECTION 2.067. Same as House version.

SECTION 2.068. Section 503.3055, Occupations Code, is amended to read as follows:

Sec. 503.3055. JURISPRUDENCE EXAMINATION. (a) The board shall develop [~~and administer at least twice each calendar year~~] a jurisprudence examination to determine an applicant's knowledge of this chapter, executive council [~~board~~] rules, and any other applicable laws of this state affecting the applicant's professional counseling practice. The

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

SECTION 2.069. Section 503.308, Occupations Code, is amended to read as follows:

Sec. 503.308. TEMPORARY LICENSE. (a) The executive council [~~board~~] by rule may provide for the issuance of a temporary license. Rules adopted under this subsection must provide a time limit for the period a temporary license is valid.

(b) The executive council [~~board~~] by rule may adopt a system under which a temporary license may be issued to a person who:

- (1) meets all of the academic requirements for licensing; and
- (2) enters into a supervisory agreement with a supervisor approved by the executive council [~~board~~].

SECTION 2.070. Sections 503.310(a), (c), and (d), Occupations Code, are amended to read as follows:

(a) On application and payment of applicable fees, the executive council [~~board~~] may issue a provisional license to a person who holds a license as a counselor or art therapist issued by another state or by a jurisdiction acceptable to the executive council [~~board~~].

(c) An applicant is not required to comply with Subsection (b)(3) if the executive council [~~board~~] determines that

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executive council shall administer the examination at least twice each calendar year.

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

SECTION 2.069. Same as House version.

SECTION 2.070. Same as House version.

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compliance with that subsection is a hardship to the applicant.  
(d) A provisional license is valid until the date the executive council [~~board~~] approves or denies the provisional license holder's application for a license under Section 503.311.

SECTION 2.071. Section 503.311, Occupations Code, is amended to read as follows:

Sec. 503.311. ISSUANCE OF LICENSE TO PROVISIONAL LICENSE HOLDER. (a) The executive council [~~board~~] shall issue a license to the holder of a provisional license who applies for a license if:

(1) the executive council [~~board~~] verifies that the applicant has the academic and experience requirements for a regular license under this chapter; and

(2) the applicant satisfies any other license requirements under this chapter.

(b) The executive council [~~board~~] must complete the processing of a provisional license holder's application for a license not later than the later of:

(1) the 180th day after the date the provisional license is issued; or

(2) the date licenses are issued following completion of the next licensing and jurisprudence examinations [~~examination~~].

SECTION 2.072. Sections 503.312(a) and (c), Occupations Code, are amended to read as follows:

(a) On request of a person licensed under this chapter, the executive council [~~board~~] shall place the person's license on inactive status.

(c) A person whose license is inactive may apply to reactivate

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SECTION 2.071. Same as House version.

SECTION 2.072. Same as House version.

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the license. The executive council [~~board~~] shall reactivate the license if the applicant:

- (1) pays a license fee;
- (2) is not in violation of this chapter when the applicant applies to reactivate the license; and
- (3) fulfills the requirements provided by executive council [~~board~~] rule for the holder of an inactive license.

SECTION 2.073. Section 503.313, Occupations Code, is amended to read as follows:

Sec. 503.313. RETIREMENT STATUS. The executive council [~~board~~] by rule may adopt a system for placing a person licensed under this chapter on retirement status.

SECTION 2.073. Same as House version.

SECTION 2.074. Section 503.314(b), Occupations Code, is amended to read as follows:

(b) A license certificate issued by the executive council [~~board~~] is the property of the executive council [~~board~~] and must be surrendered on demand.

SECTION 2.074. Same as House version.

SECTION 2.075. Section 503.351, Occupations Code, is amended to read as follows:

Sec. 503.351. RENEWAL; ELIGIBILITY. A person licensed under this chapter may renew the license biennially if the person:

- (1) is not in violation of this chapter when the person applies for renewal; and
- (2) fulfills the continuing education requirements established by the executive council [~~board~~].

SECTION 2.075. Same as House version.



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SECTION 2.076. Section 503.352, Occupations Code, is amended to read as follows:

Sec. 503.352. LICENSE EXPIRATION DATE. The executive council [~~board~~] shall adopt a system under which licenses expire on various dates during the year. On renewal of the license on the expiration date, the total license renewal fee is payable.

SECTION 2.076. Same as House version.

SECTION 2.077. Section 503.353, Occupations Code, is amended to read as follows:

Sec. 503.353. NOTICE OF LICENSE EXPIRATION. Not later than the 30th day before the expiration date of a person's license, the executive council [~~board~~] shall send written notice of the impending license expiration to the person at the person's last known address according to the executive council's [~~board's~~] records.

SECTION 2.077. Same as House version.

SECTION 2.078. The heading to Subchapter I, Chapter 503, Occupations Code, is amended to read as follows:

SUBCHAPTER I. DISCIPLINARY ACTIONS  
[~~PROCEDURES~~]

SECTION 2.078. Same as House version.

SECTION 2.079. Section 503.401(a), Occupations Code, is amended to read as follows:

(a) A person licensed under this chapter is subject to disciplinary action under Subchapter G, Chapter 507, [~~this section~~] if the person:

SECTION 2.079. Same as House version.

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- (1) violates this chapter or a rule or code of ethics adopted under this chapter ~~[by the board]~~;
- (2) commits an act for which the license holder would be liable under Chapter 81, Civil Practice and Remedies Code;
- (3) is legally committed to an institution because of mental incompetence from any cause; or
- (4) directly or indirectly offers to pay or agrees to accept remuneration to or from any person for securing or soliciting a patient or patronage.

SECTION 2.080. Section 503.407, Occupations Code, is amended to read as follows:

Sec. 503.407. REFUND. (a) Subject to Subsection (b), the executive council ~~[board]~~ may order a license holder to pay a refund to a consumer as provided in an agreement resulting from an informal settlement conference instead of or in addition to imposing an administrative penalty under Subchapter H, Chapter 507 ~~[this chapter]~~.

(b) The amount of a refund ordered as provided in an agreement resulting from an informal settlement conference may not exceed the amount the consumer paid to the license holder for a service regulated by this chapter. The executive council ~~[board]~~ may not require payment of other damages or estimate harm in a refund order.

SECTION 2.081. Section 503.453, Occupations Code, is amended to read as follows:

Sec. 503.453. REPORT OF ALLEGED OFFENSE. The executive council ~~[board]~~ shall notify the appropriate prosecuting attorney of an alleged offense committed under

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SECTION 2.080. Same as House version.

SECTION 2.081. Same as House version.

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this chapter.

SECTION 2.082. Section 505.002, Occupations Code, is amended to read as follows:

Sec. 505.002. DEFINITIONS. In this chapter:

(1) ~~(2)~~ "Board" means the Texas State Board of Social Worker Examiners.

(2) ~~(3)~~ "Council on Social Work Education" means the national organization that is primarily responsible for the accreditation of schools of social work in the United States or its successor approved by the executive council ~~board~~.

(3) "Executive council" means the Texas Behavioral Health Executive Council.

(4) ~~["Department" means the Department of State Health Services.~~

~~(4-a)~~ "Licensed baccalaureate social worker" means a person who holds a baccalaureate social worker license issued ~~by the board~~ under this chapter.

(5) ~~(4-b)~~ "Licensed clinical social worker" means a person who holds a clinical social worker license issued ~~by the board~~ under this chapter.

(6) ~~(5)~~ "Licensed master social worker" means a person who holds a master social worker license issued ~~by the board~~ under this chapter.

(7) ~~(6)~~ "Licensed social worker" means a person who holds a social worker license issued ~~by the board~~ under this chapter.

(8) ~~(9)~~ "Social worker" means a person who holds any license issued ~~by the board~~ under this chapter.

SECTION 2.082. Same as House version.

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SECTION 2.083. Section 505.102(b), Occupations Code, is amended to read as follows:

(b) A person is not eligible for appointment as a public member of the board if:

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

(2) the person's spouse is registered, certified, or licensed by an occupational regulatory agency in the field of mental health; or

(3) the person or the person's spouse:

(A) is employed by or participates in the management of a business entity or other organization regulated by or receiving funds from the board or executive council [~~department~~];

(B) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving funds from the board or executive council [~~department~~]; or

(C) uses or receives a substantial amount of tangible goods, services, or funds from the board or executive council [~~department~~], other than compensation or reimbursement authorized by law for board membership, attendance, or expenses.

SECTION 2.084. The heading to Section 505.103, Occupations Code, is amended to read as follows:

Sec. 505.103. MEMBERSHIP [~~AND—EMPLOYEE~~]  
RESTRICTIONS.

SECTION 2.085. Sections 505.103(b) and (c), Occupations Code, are amended to read as follows:

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SECTION 2.083. Same as House version.

SECTION 2.084. Same as House version.

SECTION 2.085. Same as House version.

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

- (1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of health care; or
- (2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of mental health.

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

SECTION 2.086. Section 505.109, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

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

- (1) the law governing [~~legislation that created the~~] board operations;
- (2) [~~and~~] the [~~board's~~] programs, functions, rules, and budget of the board;
- (3) the scope of and limitations on the rulemaking authority of the board;

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SECTION 2.086. Section 505.109, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

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

- (1) the law governing [~~legislation that created the~~] board operations;
- (2) [~~and~~] the [~~board's~~] programs, functions, rules, and budget of the board;
- (3) the scope of and limitations on the rulemaking authority of the board;
- (4) the types of board rules, interpretations, and enforcement actions that may implicate federal antitrust law by limiting

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(4) [~~2~~] the results of the most recent formal audit of the board;

(5) [~~3~~] the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest; and

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

(6) [~~4~~] any applicable ethics policies adopted by the board or the Texas Ethics Commission.

(d) The executive director of the executive council shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each board member. On receipt of the training manual, each board member shall sign and submit to the executive director a statement acknowledging receipt of the training manual.

SECTION 2.087. Section 505.201, Occupations Code, is amended to read as follows:

competition or impacting prices charged by persons engaged in a profession or business the board regulates, including any rule, interpretation, or enforcement action that:

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

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

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

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

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

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

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

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

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

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

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Sec. 505.201. GENERAL RULEMAKING AND ENFORCEMENT AUTHORITY OF EXECUTIVE COUNCIL. (a) The executive council [board] may:

- (1) adopt and enforce rules necessary to perform the executive council's [board's] duties under this chapter;
- (2) establish standards of conduct and ethics for license holders; and
- (3) ensure strict compliance with and enforcement of this chapter.

(b) ~~[In adopting rules under this section, the board shall consider the rules and procedures of the department. The board shall adopt procedural rules, which may not be inconsistent with similar rules and procedures of the department.]~~

~~(c)~~ The executive council [board] by rule may define a term not defined under Section 505.002 if a definition is necessary to administer or enforce this chapter.

(c) ~~(c)~~ For each type of license issued under this chapter, the executive council [board] shall establish:

- (1) the minimum eligibility requirements;
- (2) educational requirements;
- (3) professional experience criteria;
- (4) supervision requirements; and
- (5) independent practice criteria.

(d) ~~(d)~~ The executive council [board] shall establish procedures for recognition of independent practice.

SECTION 2.088. Subchapter D, Chapter 505, Occupations Code, is amended by adding Section 505.2015 to read as follows:

Sec. 505.2015. BOARD DUTIES. The board shall propose

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SECTION 2.088. Same as House version.

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to the executive council:

(1) rules regarding:

(A) the qualifications necessary to obtain a license or order of recognition of specialty, including rules limiting an applicant's eligibility for a license or order based on the applicant's criminal history;

(B) the scope of practice of and standards of care and ethical practice for social work; and

(C) continuing education requirements for license holders or holders of orders of recognition of specialty; and

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

SECTION 2.089. Section 505.206, Occupations Code, is amended to read as follows:

Sec. 505.206. ROSTER OF INDEPENDENT SOCIAL WORKERS. The executive council [~~board~~] shall publish a roster of persons recognized under Section 505.307 as qualified for the independent practice of social work.

SECTION 2.090. Section 505.301, Occupations Code, is amended to read as follows:

Sec. 505.301. ESTABLISHMENT OF SPECIALTY AREA.

(a) The executive council [~~board~~] may establish within the scope of social work practice and this chapter specialty areas of social work for license holders under this chapter who are licensed in good standing if establishment of the specialty areas:

(1) is necessary to promote the public interest; and

(2) assists the public in identifying qualified persons in a

SECTION 2.089. Same as House version.

SECTION 2.090. Same as House version.



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social work practice specialty.

(b) The executive council [~~board~~] may not authorize a specialty area within the practice of social work unless the executive council [~~board~~] sets the minimum qualifications for social work practice with appropriate supervision and examination, as determined by the executive council [~~board~~].

(c) The executive council [~~board~~] may not establish a specialty area of social work or a specialty area identification that conflicts with a state licensing law.

SECTION 2.091. Section 505.302(a), Occupations Code, is amended to read as follows:

(a) In establishing a specialty area of social work, the executive council [~~board~~] shall:

- (1) define the scope of the specialty;
- (2) establish qualifications for specialty area practitioners that describe, in accordance with Subdivision (1), the scope of the specialty area;
- (3) adopt rules of conduct to ensure strict compliance with and enforcement of this chapter; and
- (4) adopt rules for the suspension or revocation of an order of recognition of specialty.

SECTION 2.092. Sections 505.303(a) and (c), Occupations Code, are amended to read as follows:

(a) The executive council [~~board~~] shall establish a specialty area for the practice of clinical social work that is available only to a licensed master social worker who satisfies the minimum number of years of active social work practice with appropriate supervision and clinical examination, as

SECTION 2.091. Same as House version.

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determined by the executive council [~~board~~].

(c) For purposes of Subchapter C, Chapter 1451, Insurance Code:

(1) a person recognized as qualified for the independent practice of clinical social work may use the title "Licensed Clinical Social Worker" or another title approved by the executive council [~~board~~]; and

(2) a [~~board-approved~~] title approved by the executive council under this subsection has the same meaning and effect as the title "Licensed Clinical Social Worker."

SECTION 2.093. Section 505.304, Occupations Code, is amended to read as follows:

Sec. 505.304. ORDER OF RECOGNITION OF SPECIALTY. (a) The executive council [~~board~~] shall prescribe the name, design, and content of an order of recognition of specialty.

(b) An order of recognition of specialty must:

(1) state the full name of the person recognized in the order; and

(2) state the official specialty serial number [;

~~[(3) include the presiding officer's signature; and~~

~~[(4) include the board's official seal].~~

SECTION 2.093. Same as House version.

SECTION 2.094. Section 505.305, Occupations Code, is amended to read as follows:

Sec. 505.305. RECOGNITION OF SPECIALTY; ISSUANCE OF ORDER. (a) The executive council [~~board~~] shall recognize a social worker as qualified for the practice of a specialty area of social work if the social worker satisfies the

SECTION 2.094. Same as House version.

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recognition requirements established by the executive council [~~board~~] and the executive council [~~board~~] determines that the person is worthy of the public trust in performing services within the scope of the specialty area.

(b) The executive council [~~board~~] shall issue an order of recognition of specialty to a social worker who is recognized as qualified for the practice of a specialty area of social work. The order of recognition of specialty evidences the state's recognition of the social worker as a specialty social work practitioner under the identification or title designated by the executive council [~~board~~].

SECTION 2.095. Section 505.306, Occupations Code, is amended to read as follows:

Sec. 505.306. PROHIBITED USE OF SPECIALTY AREA IDENTIFICATION OR TITLE. If the executive council [~~board~~] establishes a specialty area of social work, a social worker may not use the specialty area identification or title designated by the executive council [~~board~~] unless the person is recognized as qualified for the practice of the specialty area under this chapter.

SECTION 2.096. Section 505.307, Occupations Code, is amended to read as follows:

Sec. 505.307. INDEPENDENT PRACTICE RECOGNITION; MINIMUM QUALIFICATIONS. (a) The executive council [~~board~~] shall establish procedures for recognizing a social worker qualified for the independent practice of social work.

(b) A social worker may not be recognized as qualified for

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SECTION 2.095. Same as House version.

SECTION 2.096. Same as House version.

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the independent practice of social work unless the person satisfies the requirements of social work education, experience, and supervision as determined by the executive council [~~board~~].

SECTION 2.097. Section 505.352, Occupations Code, is amended to read as follows:

Sec. 505.352. LICENSE APPLICATION. A person may apply for a license under this chapter by submitting an application to the executive council [~~board~~]. The application must:

- (1) be on a form prescribed by the executive council [~~board~~]; and
- (2) contain statements made under oath regarding the applicant's education and experience and any other information required by the executive council [~~board~~] that qualifies the applicant for a license.

SECTION 2.098. Section 505.353, Occupations Code, is amended to read as follows:

Sec. 505.353. ELIGIBILITY. (a) To be eligible for a license under this chapter, an applicant must:

- (1) be at least 18 years of age;
- (2) be worthy of the public trust and confidence;
- (3) satisfy the education and experience requirements under this section; and
- (4) pass the licensing examination conducted by the executive council [~~board~~] under Section 505.354 and the jurisprudence examination conducted by the executive council [~~board~~] under Section 505.3545.

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SECTION 2.097. Same as House version.

SECTION 2.098. Same as House version.

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(b) An applicant may take the licensing examination conducted by the executive council ~~[board]~~ under Section 505.354 for:

(1) a master social worker license if the applicant possesses a doctoral or master's degree in social work from a graduate program that is accredited by or is in candidacy for accreditation by the Council on Social Work Education;

(2) a baccalaureate social worker license if the applicant possesses a baccalaureate degree in social work from an educational program that is accredited by or is in candidacy for accreditation by the Council on Social Work Education; or

(3) a clinical social worker license if the applicant possesses a doctoral or master's degree in social work from an accredited graduate program approved by the executive council ~~[board]~~ and meets the qualifications for clinical social work practice as determined by the executive council ~~[board]~~ under this chapter.

(c) The executive council ~~[board]~~ may require an applicant to submit documentary evidence of the quality, scope, and nature of the applicant's experience and competence to:

(1) determine the credibility and acceptability of the applicant's professional or technical experience or competence; and

(2) ensure the public safety, health, and welfare.

SECTION 2.099. Sections 505.354(a), (b), and (e), Occupations Code, are amended to read as follows:

(a) The executive council ~~[board]~~, at least once each calendar year, shall prepare and administer an examination to assess an applicant's qualifications for a license under this chapter.

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SECTION 2.099. Sections 505.354(a), (b), and (e), Occupations Code, are amended to read as follows:

(a) The board~~[-, at least once each calendar year,]~~ shall prepare ~~[and administer]~~ an examination to assess an applicant's qualifications for a license under this chapter. The executive council shall administer the examination at least once each

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(b) Each license examination shall be conducted in a manner that is determined by the executive council [board] and is fair and impartial to each applicant and school or system of social work.

(e) The executive council [board] shall have the written portion of the examination, if any, validated by an independent testing entity.

SECTION 2.100. Section 505.3545, Occupations Code, is amended to read as follows:

Sec. 505.3545. JURISPRUDENCE EXAMINATION. (a) The executive council [board] shall develop and administer at least twice each calendar year a jurisprudence examination to determine an applicant's knowledge of this chapter, [board] rules adopted under this chapter, and any other applicable laws of this state affecting the applicant's social work practice.

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

SECTION 2.101. Section 505.357(a), Occupations Code, is amended to read as follows:

(a) The executive council [board] shall issue a temporary license to an applicant who:

(1) has not taken the licensing examination under Section

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calendar year.

(b) Each license examination shall be conducted in a manner that is determined by the executive council [board] and is fair and impartial to each applicant and school or system of social work.

(e) The executive council [board] shall have the written portion of the examination, if any, validated by an independent testing entity.

SECTION 2.100. Section 505.3545, Occupations Code, is amended to read as follows:

Sec. 505.3545. JURISPRUDENCE EXAMINATION. (a) The board shall develop ~~and administer at least twice each calendar year~~ a jurisprudence examination to determine an applicant's knowledge of this chapter, [board] rules adopted under this chapter, and any other applicable laws of this state affecting the applicant's social work practice. The executive council shall administer the examination at least twice each calendar year.

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

SECTION 2.101. Same as House version.

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505.354 or the jurisprudence examination under Section 505.3545; and

(2) satisfies the requirements for obtaining a license under this chapter other than passing the licensing and jurisprudence examinations.

SECTION 2.102. Section 505.3575, Occupations Code, is amended to read as follows:

Sec. 505.3575. ISSUANCE OF LICENSES TO CERTAIN OUT-OF-STATE APPLICANTS. (a) Notwithstanding any other licensing requirement of this subchapter:

(1) the executive council [~~board~~] may not require an applicant who is licensed in good standing in another state to pass a licensing examination conducted by the executive council [~~board~~] under Section 505.354 if an applicant with substantially equivalent experience who resides in this state would not be required to take the licensing examination; and

(2) the executive council [~~board~~] may issue a license to an applicant who is currently licensed in another state to independently practice social work if:

(A) after an assessment, the executive council [~~board~~] determines that the applicant:

(i) demonstrates sufficient experience and competence;

(ii) has passed the jurisprudence examination conducted by the executive council [~~board~~] under Section 505.3545; and

(iii) at the time of the application, is in good standing with the regulatory agency of the state in which the applicant is licensed; and

(B) the applicant presents to the executive council [~~board~~] credentials that the applicant obtained from a national accreditation organization and the executive council [~~board~~]

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SECTION 2.102. Same as House version.

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determines that the requirements to obtain the credentials are sufficient to minimize any risk to public safety.

(b) When assessing the experience and competence of an applicant for the purposes of this section, the executive council [~~board~~] may take into consideration any supervision received by the applicant in another state or jurisdiction if the executive council [~~board~~] determines that the supervision would be taken into consideration for the purpose of licensing or certification in the state or jurisdiction in which the applicant received the supervision.

SECTION 2.103. Section 505.358, Occupations Code, is amended to read as follows:

Sec. 505.358. PROVISIONAL LICENSE. (a) A person may apply for a provisional license as a social worker by paying the appropriate fee and filing an application with the executive council [~~board~~]. The executive council [~~board~~] may issue a provisional license to a person who meets the requirements of this section.

(b) An applicant for a provisional license must:

(1) be licensed or certified in good standing as a social worker in another state or jurisdiction that has licensing or certification requirements determined by the executive council [~~board~~] to be substantially equivalent to the requirements of this chapter;

(2) have passed a national or other examination recognized by the executive council [~~board~~] relating to the practice of social work; and

(3) be sponsored by a person licensed under this chapter with whom the provisional license holder may practice social work.

(c) An applicant is not required to comply with Subsection

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SECTION 2.103. Same as House version.

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(b)(3) if the executive council [~~board~~] determines that compliance constitutes a hardship to the applicant.

(d) A provisional license is valid until the date the executive council [~~board~~] approves or denies the provisional license holder's application for a license under Section 505.359.

SECTION 2.104. Section 505.359, Occupations Code, is amended to read as follows:

Sec. 505.359. ISSUANCE OF LICENSE TO PROVISIONAL LICENSE HOLDER. (a) The executive council [~~board~~] shall issue an appropriate license to a provisional license holder:

(1) who passes the licensing examination under Section 505.354 and the jurisprudence examination under Section 505.3545;

(2) for whom the executive council [~~board~~] verifies that the person satisfies the academic and experience requirements under Section 505.353; and

(3) who satisfies any other license requirements under this chapter.

(b) The executive council [~~board~~] shall complete the processing of a provisional license holder's application for a license not later than the 180th day after the date the provisional license is issued or the date licenses are issued after successful completion of the next licensing and jurisprudence examinations, whichever date is later.

(c) The executive council [~~board~~] may waive a license requirement for an applicant who is licensed or certified in another state if this state has entered into a reciprocity agreement with that state.

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SECTION 2.104. Same as House version.

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SECTION 2.105. Section 505.401(a-1), Occupations Code, is amended to read as follows:

(a-1) The executive council [~~board~~] by rule shall adopt a system under which licenses and orders of recognition of specialty expire on various dates during the year.

SECTION 2.106. Section 505.405, Occupations Code, is amended to read as follows:

Sec. 505.405. GROUND FOR REFUSING RENEWAL. The executive council [~~board~~] may refuse to renew the license of a person who fails to pay an administrative penalty imposed under Subchapter H, Chapter 507, [K] unless enforcement of the penalty is stayed or a court has ordered that the administrative penalty is not owed.

SECTION 2.107. The heading to Subchapter I, Chapter 505, Occupations Code, is amended to read as follows:

~~SUBCHAPTER I. [DENIAL OF LICENSE OR ORDER AND] DISCIPLINARY ACTION [PROCEDURES]~~

SECTION 2.108. Section 505.451, Occupations Code, is amended to read as follows:

Sec. 505.451. GROUND FOR ~~[DENIAL OF LICENSE OR ORDER OF RECOGNITION OF SPECIALTY;]~~ DISCIPLINARY ACTION. The executive council [~~board~~] shall take disciplinary action under Subchapter G, Chapter 507, against a person [~~deny an application for a license or order of recognition of specialty and shall revoke or suspend, including a suspension on an emergency basis, a license or~~

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SECTION 2.105. Same as House version.

SECTION 2.106. Same as House version.

SECTION 2.107. Same as House version.

SECTION 2.108. Same as House version.

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~~order, place a holder of a license or order that has been suspended on probation, refuse to renew a person's license, or reprimand a holder of a license or order] for:~~

- (1) violating this chapter or a rule adopted ~~[by the board]~~ under this chapter;
- (2) circumventing or attempting to circumvent the requirements of this chapter or a rule adopted ~~[by the board]~~ under this chapter;
- (3) directly or indirectly participating in a scheme to evade the requirements of this chapter or a rule adopted ~~[by the board]~~ under this chapter;
- (4) engaging in unethical conduct;
- (5) engaging in conduct that discredits or tends to discredit the social work profession;
- (6) performing an act, allowing an omission, or making an assertion or representation that is fraudulent, deceitful, or misleading or that tends to create a misleading impression;
- (7) knowingly associating with or permitting the use of a license holder's professional services or identification in connection with an enterprise that the person knows or should have known in the exercise of reasonable diligence violates this chapter or a rule adopted ~~[by the board]~~ under this chapter;
- (8) knowingly associating with or permitting the use of a license holder's name, professional services or identification, or endorsement in connection with an enterprise that the person knows or should have known in the exercise of reasonable diligence is a trade, business, or professional practice of a fraudulent, deceitful, or misleading nature;
- (9) directly or indirectly revealing or causing to be revealed a confidential communication transmitted to the license holder by a client or other recipient of the license holder's services

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- unless revealing the communication is required by law;
- (10) having been denied an application for a license or certificate to practice social work in another jurisdiction for a reason that the executive council [~~board~~] determines would be a violation of this chapter or a rule adopted [~~by the board~~] under this chapter;
- (11) holding a license or certificate in another jurisdiction that is suspended or revoked for a reason that the executive council [~~board~~] determines would be a violation of this chapter or a rule adopted [~~by the board~~] under this chapter;
- (12) having been convicted of a felony in this state, another state, or the United States;
- (13) refusing to perform an act or service within the scope of the license holder's license solely because of the recipient's age, sex, race, religion, national origin, color, or political affiliation; or
- (14) committing an act for which liability exists under Chapter 81, Civil Practice and Remedies Code.

SECTION 2.109. Section 505.454(a), Occupations Code, is amended to read as follows:

- (a) A person who holds an expired license or order of recognition of specialty under this chapter is subject to a sanction under this chapter if the executive council [~~board~~] determines that the person violated this chapter or a rule adopted [~~by the board~~] under this chapter during the period in which the license or order was valid.

SECTION 2.110. Section 505.458, Occupations Code, is amended to read as follows:

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SECTION 2.109. Same as House version.

SECTION 2.110. Same as House version.

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Sec. 505.458. REFUND. (a) Subject to Subsection (b), the executive council [~~board~~] may order a license holder to pay a refund to a consumer as provided in an agreement resulting from an informal settlement conference instead of or in addition to imposing an administrative penalty under this chapter.

(b) The amount of a refund ordered as provided in an agreement resulting from an informal settlement conference may not exceed the amount the consumer paid to the license holder for a service regulated by this chapter. The executive council [~~board~~] may not require payment of other damages or estimate harm in a refund order.

SECTION 2.111. Section 505.505, Occupations Code, is amended to read as follows:

Sec. 505.505. APPEAL BOND NOT REQUIRED. The executive council [~~board or department~~] is not required to post an appeal bond in any action arising under this chapter.

SECTION 2.112. Section 505.506, Occupations Code, is amended to read as follows:

Sec. 505.506. REPRESENTATION BY ATTORNEY GENERAL. The attorney general shall represent the executive council [~~board or department~~] in an action brought to enforce this chapter.

SECTION 2.113. The following provisions of the Occupations Code are repealed:

(1) Section 501.002(3);

SENATE VERSION (IE)

SECTION 2.111. Same as House version.

SECTION 2.112. Same as House version.

SECTION 2.113. Same as House version.

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- (2) Section 501.005;
- (3) Subchapter C, Chapter 501;
- (4) Sections 501.151(a) and (b);
- (5) Section 501.152;
- (6) Section 501.154;
- (7) Section 501.156;
- (8) Section 501.157;
- (9) Section 501.160;
- (10) Section 501.161;
- (11) Section 501.162;
- (12) Subchapter E, Chapter 501;
- (13) Sections 501.252(b), (c), and (d);
- (14) Section 501.254;
- (15) Sections 501.256(e), (f), and (g);
- (16) Section 501.2561;
- (17) Section 501.257;
- (18) Section 501.258;
- (19) Section 501.261(b);
- (20) Section 501.302;
- (21) Section 501.303;
- (22) Section 501.304;
- (23) Section 501.402;
- (24) Section 501.403;
- (25) Section 501.404;
- (26) Section 501.405;
- (27) Section 501.406;
- (28) Section 501.409;
- (29) Section 501.410;
- (30) Subchapter J, Chapter 501;
- (31) Section 501.501;
- (32) Section 501.502;
- (33) Section 501.504;

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- (34) Section 502.002(3);
- (35) Section 502.003;
- (36) Subchapter C, Chapter 502;
- (37) Section 502.152;
- (38) Section 502.153;
- (39) Section 502.154;
- (40) Section 502.156;
- (41) Section 502.1565;
- (42) Section 502.157;
- (43) Section 502.158;
- (44) Section 502.161;
- (45) Section 502.162;
- (46) Section 502.163;
- (47) Subchapter E, Chapter 502;
- (48) Section 502.255;
- (49) Section 502.256;
- (50) Sections 502.301(b), (c), (d), and (e);
- (51) Section 502.302;
- (52) Section 502.303;
- (53) Section 502.352;
- (54) Section 502.353;
- (55) Section 502.354;
- (56) Section 502.355;
- (57) Section 502.356;
- (58) Subchapter I, Chapter 502;
- (59) Section 502.451;
- (60) Section 502.452;
- (61) Section 502.453;
- (62) Section 502.455;
- (63) Section 503.005;
- (64) Subchapter D, Chapter 503;
- (65) Section 503.202;

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- (66) Section 503.203;
- (67) Section 503.204;
- (68) Section 503.2045;
- (69) Section 503.205;
- (70) Section 503.207;
- (71) Section 503.209;
- (72) Section 503.210;
- (73) Section 503.211;
- (74) Subchapter F, Chapter 503;
- (75) Section 503.306;
- (76) Section 503.307;
- (77) Section 503.354;
- (78) Section 503.355;
- (79) Section 503.356;
- (80) Sections 503.401(b), (c), and (d);
- (81) Section 503.402;
- (82) Section 503.403;
- (83) Section 503.404;
- (84) Section 503.405;
- (85) Section 503.406;
- (86) Section 503.451;
- (87) Section 503.454;
- (88) Subchapter K, Chapter 503;
- (89) Section 505.005;
- (90) Section 505.110;
- (91) Subchapter C, Chapter 505;
- (92) Section 505.202;
- (93) Section 505.203;
- (94) Section 505.204;
- (95) Section 505.205;
- (96) Section 505.209;
- (97) Section 505.210;



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- (98) Section 505.211;
- (99) Subchapter E, Chapter 505;
- (100) Section 505.355;
- (101) Section 505.356;
- (102) Section 505.402;
- (103) Section 505.403;
- (104) Section 505.404;
- (105) Section 505.452;
- (106) Section 505.453;
- (107) Section 505.454(b);
- (108) Section 505.455;
- (109) Section 505.456;
- (110) Section 505.457;
- (111) Section 505.501;
- (112) Section 505.503;
- (113) Section 505.504;
- (114) Section 505.508; and
- (115) Subchapter K, Chapter 505.

ARTICLE 3. CONFORMING AMENDMENTS

Same as House version.

SECTION 3.001. Article 66.104(a), Code of Criminal Procedure, is amended to read as follows:

(a) The Texas Medical Board, the Texas Department of Licensing and Regulation, only with respect to a person licensed under Chapter 202, Occupations Code [~~State Board of Podiatric Medical Examiners~~], the State Board of Dental Examiners, the Texas State Board of Pharmacy, the Texas Behavioral Health Executive Council, only with respect to a

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~~person licensed under Chapter 501, Occupations Code [State Board of Examiners of Psychologists]~~, and the State Board of Veterinary Medical Examiners shall provide to the Department of Public Safety through electronic means, magnetic tape, or disk, as specified by the department, a list of each person licensed by the respective agency, including the person's name and date of birth and any other personal descriptive information required by the department. Each agency shall update the information and submit the updated information quarterly to the department.

SECTION 3.002. Section 411.122(d), Government Code, is amended to read as follows:

- (d) The following state agencies are subject to this section:
- (1) Texas Appraiser Licensing and Certification Board;
  - (2) Texas Board of Architectural Examiners;
  - (3) Texas Board of Chiropractic Examiners;
  - (4) State Board of Dental Examiners;
  - (5) Texas Board of Professional Engineers;
  - (6) Texas Funeral Service Commission;
  - (7) Texas Board of Professional Geoscientists;
  - (8) Health and Human Services Commission [~~Department of State Health Services~~], except as provided by Section 411.110, and agencies attached to the commission [~~department, including:~~  
[~~(A) Texas State Board of Examiners of Marriage and Family Therapists;~~  
[~~(B) Texas State Board of Examiners of Professional Counselors; and~~  
[~~(C) Texas State Board of Social Worker Examiners];~~
  - (9) Texas Board of Professional Land Surveying;

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SECTION 3.002. Same as House version.

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- (10) Texas Department of Licensing and Regulation, except as provided by Section 411.093;
- (11) Texas Commission on Environmental Quality;
- (12) Texas Board of Occupational Therapy Examiners;
- (13) Texas Optometry Board;
- (14) Texas State Board of Pharmacy;
- (15) Texas Board of Physical Therapy Examiners;
- (16) Texas State Board of Plumbing Examiners;
- (17) ~~Texas State Board of Podiatric Medical Examiners;~~
- ~~(18)~~ Texas Behavioral Health Executive Council ~~[State Board of Examiners of Psychologists];~~
- ~~(19)~~ ~~(19)~~ Texas Real Estate Commission;
- ~~(20)~~ ~~(20)~~ Texas Department of Transportation;
- ~~(21)~~ ~~(21)~~ State Board of Veterinary Medical Examiners;
- ~~(22)~~ ~~(22)~~ Texas Department of Housing and Community Affairs;
- ~~(23)~~ ~~(23)~~ secretary of state;
- ~~(24)~~ ~~(24)~~ state fire marshal;
- ~~(25)~~ ~~(25)~~ Texas Education Agency;
- ~~(26)~~ ~~(26)~~ Department of Agriculture; and
- ~~(27)~~ ~~(27)~~ Texas Department of Motor Vehicles.

SECTION 3.003. Section 2054.2606(a), Government Code, is amended to read as follows:

- (a) The following licensing entities shall establish a profile system consisting of the specific license holder information prescribed by Subsection (c):
  - (1) Texas Board of Chiropractic Examiners, with respect to chiropractors;
  - (2) Texas Department of Licensing and Regulation ~~[State Board of Podiatric Medical Examiners]~~, with respect to

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podiatrists;

- (3) State Board of Dental Examiners, with respect to dentists;
- (4) Texas Optometry Board, with respect to optometrists and therapeutic optometrists;
- (5) Texas Board of Physical Therapy Examiners, with respect to physical therapists and physical therapy facilities;
- (6) Texas Board of Occupational Therapy Examiners, with respect to occupational therapists and occupational therapy facilities;
- (7) Texas Behavioral Health Executive Council [~~State Board of Examiners of Psychologists~~], with respect to psychologists; and
- (8) Texas State Board of Pharmacy, with respect to pharmacists and pharmacies.

SECTION 3.004. Section 2054.352(a), Government Code, is amended to read as follows:

- (a) The following licensing entities shall participate in the system established under Section 2054.353:
  - (1) Texas Board of Chiropractic Examiners;
  - (2) Judicial Branch Certification Commission;
  - (3) State Board of Dental Examiners;
  - (4) Texas Funeral Service Commission;
  - (5) Texas Board of Professional Land Surveying;
  - (6) Texas Medical Board;
  - (7) Texas Board of Nursing;
  - (8) Texas Optometry Board;
  - (9) Department of Agriculture, for licenses issued under Chapter 1951, Occupations Code;
  - (10) Texas State Board of Pharmacy;
  - (11) Executive Council of Physical Therapy and

SECTION 3.004. Same as House version.

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Occupational Therapy Examiners;  
(12) Texas State Board of Plumbing Examiners;  
(13)  ~~Texas State Board of Podiatric Medical Examiners;~~  
(14)  ~~Texas Behavioral Health Executive Council [State Board of Examiners of Psychologists];~~  
(14) ~~(15)~~ State Board of Veterinary Medical Examiners;  
(15) ~~(16)~~ Texas Real Estate Commission;  
(16) ~~(17)~~ Texas Appraiser Licensing and Certification Board;  
(17) ~~(18)~~ Texas Department of Licensing and Regulation;  
(18) ~~(19)~~ Texas State Board of Public Accountancy;  
(19) ~~(20)~~ State Board for Educator Certification;  
(20) ~~(21)~~ Texas Board of Professional Engineers;  
(21)  ~~Health and Human Services Commission [(22) Department of State Health Services];~~  
(22) ~~(23)~~ Texas Board of Architectural Examiners;  
(23) ~~(24)~~ Texas Racing Commission;  
(24) ~~(25)~~ Texas Commission on Law Enforcement; and  
(25) ~~(26)~~ Texas Private Security Board.

SECTION 3.005. Section 36.132(a)(2), Human Resources Code, is amended to read as follows:

- (2) "Licensing authority" means:
- (A) the Texas Medical Board;
  - (B) the State Board of Dental Examiners;
  - (C) the Texas Behavioral Health Executive Council ~~[State Board of Examiners of Psychologists];~~
  - (D) ~~[the Texas State Board of Social Worker Examiners;~~  
~~(E)]~~ the Texas Board of Nursing;
  - (E) ~~(F)~~ the Texas Board of Physical Therapy Examiners;
  - (F) ~~(G)~~ the Texas Board of Occupational Therapy

SECTION 3.005. Same as House version.

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Examiners; or  
(G) ~~(H)~~ another state agency authorized to regulate a provider who receives or is eligible to receive payment for a health care service under the Medicaid program.

SECTION 3.006. Sections 1451.001(9), (10), (11), (18), and (19), Insurance Code, are amended to read as follows:

(9) "Licensed clinical social worker" means an individual licensed ~~[by the Texas State Board of Social Worker Examiners]~~ as a ~~[licensed]~~ clinical social worker under Chapter 505, Occupations Code.

(10) "Licensed professional counselor" means an individual licensed under Chapter 503, Occupations Code ~~[by the Texas State Board of Examiners of Professional Counselors].~~

(11) "Marriage and family therapist" means an individual licensed under Chapter 502, Occupations Code ~~[by the Texas State Board of Examiners of Marriage and Family Therapists].~~

(18) "Psychological associate" means an individual licensed as a psychological associate by the Texas Behavioral Health Executive Council ~~[State Board of Examiners of Psychologists who practices solely under the supervision of a licensed psychologist].~~

(19) "Psychologist" means an individual licensed as a psychologist by the Texas Behavioral Health Executive Council ~~[State Board of Examiners of Psychologists].~~

SECTION 3.007. Section 101.002, Occupations Code, is amended to read as follows:

Sec. 101.002. COMPOSITION OF COUNCIL. The council consists of 14 members, with one member appointed by each

SECTION 3.006. Same as House version.

SECTION 3.007. Section 101.002, Occupations Code, is amended to read as follows:

Sec. 101.002. COMPOSITION OF COUNCIL. The council consists of 13 ~~[14]~~ members, with one member appointed by

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of the following:

- (1) the Texas Board of Chiropractic Examiners;
- (2) the State Board of Dental Examiners;
- (3) the Texas Optometry Board;
- (4) the Texas State Board of Pharmacy;
- (5) the Texas Department of Licensing and Regulation [~~State Board of Podiatric Medical Examiners~~];
- (6) the State Board of Veterinary Medical Examiners;
- (7) the Texas Medical Board;
- (8) the Texas Board of Nursing;
- (9) the Texas Behavioral Health Executive Council [~~State Board of Examiners of Psychologists~~];
- (10) the Texas Funeral Service Commission;
- (11) the entity that regulates the practice of physical therapy;
  
- (12) the entity that regulates the practice of occupational therapy;
- (13) the health licensing division of the Health and Human Services Commission [~~Department of State Health Services~~]; and
- (14) the governor's office.

SECTION 3.008. Section 110.001(7), Occupations Code, is amended to read as follows:

(7) "Sex offender treatment provider" means a person, licensed by the council and recognized based on training and experience to provide assessment and treatment to adult sex offenders or juveniles with sexual behavioral problems who have been convicted, adjudicated, awarded deferred adjudication, or referred by a state agency or a court, and licensed in this state to practice as a physician, psychiatrist,

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each of the following:

- (1) the Texas Board of Chiropractic Examiners;
- (2) the State Board of Dental Examiners;
- (3) the Texas Optometry Board;
- (4) the Texas State Board of Pharmacy;
- (5) [~~the Texas State Board of Podiatric Medical Examiners~~;
  
- [~~(6)~~] the State Board of Veterinary Medical Examiners;
- (6) [~~(7)~~] the Texas Medical Board;
- (7) [~~(8)~~] the Texas Board of Nursing;
- (8) [~~(9)~~] the Texas Behavioral Health Executive Council [~~State Board of Examiners of Psychologists~~];
- (9) [~~(10)~~] the Texas Funeral Service Commission;
- (10) [~~(11)~~] the entity that regulates the practice of physical therapy;
- (11) [~~(12)~~] the entity that regulates the practice of occupational therapy;
- (12) [~~(13)~~] the health licensing division of the Health and Human Services Commission [~~Department of State Health Services~~]; and
- (13) [~~(14)~~] the governor's office.

SECTION 3.008. Same as House version.

CONFERENCE

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psychologist, psychological associate, provisionally licensed psychologist, licensed professional counselor, licensed professional counselor intern, licensed marriage and family therapist, licensed marriage and family associate, licensed clinical social worker, licensed master social worker under a clinical supervision plan approved by the Texas Behavioral Health Executive Council [~~State Board of Social Worker Examiners~~], or advanced practice nurse recognized as a psychiatric clinical nurse specialist or psychiatric mental health nurse practitioner, who provides mental health or medical services for rehabilitation of sex offenders.

ARTICLE 4. TRANSITIONS AND EFFECTIVE DATE

Same as House version.

SECTION 4.001. In this article:

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

(2) "Transferring entity" means:

(A) the Texas State Board of Examiners of Psychologists;

(B) the Texas State Board of Examiners of Marriage and Family Therapists;

(C) the Texas State Board of Examiners of Professional Counselors; and

(D) the Texas State Board of Social Worker Examiners.

SECTION 4.001. Same as House version.

SECTION 4.002. (a) Except as provided by Subsection (b) of this section, Sections 501.059, 502.059, 503.110, and 505.109, Occupations Code, as amended by this Act, apply to

SECTION 4.002. Same as House version.



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a member of the applicable board appointed before, on, or after the effective date of this Act.

(b) A member of a board who, before the effective date of this Act, completed the training program required by Section 501.059, 502.059, 503.110, or 505.109, Occupations Code, as the applicable law existed before the effective date of this Act, is required to complete additional training only on the subjects added by this Act to the training program required by Section 501.059, 502.059, 503.110, or 505.109, Occupations Code, as applicable. A board member described by this subsection may not vote, deliberate, or be counted as a member in attendance at a meeting of the board held on or after December 1, 2019, until the member completes the additional training.

SECTION 4.003. (a) Section 501.2525, Occupations Code, as redesignated and amended by this Act, applies only to an application for a license under Chapter 501, Occupations Code, that is submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

(b) A provisional license issued under Section 501.253, Occupations Code, that is in effect on the effective date of this Act continues to be valid until the license expires.

(c) Section 502.252, Occupations Code, as amended by this Act, applies only to an application for a license under Chapter 502, Occupations Code, submitted on or after the date on which rules adopted by the Texas Behavioral Health Executive Council under that section take effect. An application submitted before that date is governed by the law

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SECTION 4.003. Same as House version.

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in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 4.004. Not later than August 31, 2020, an initial member of the executive council shall complete the training required by Section 507.059, Occupations Code, as added by this Act. On or after September 1, 2020, a member of the executive council may not vote, deliberate, or be counted as a member in attendance at a meeting of the executive council until the member has completed the training required by that section.

SECTION 4.005. (a) Not later than December 1, 2019, the appropriate appointing authorities shall appoint the members of the executive council as provided by Section 507.051, Occupations Code, as added by this Act.

(b) Notwithstanding the terms established by Section 507.054, Occupations Code, as added by this Act, in making the initial appointments to the executive council, the Texas State Board of Examiners of Psychologists, the Texas State Board of Examiners of Marriage and Family Therapists, the Texas State Board of Examiners of Professional Counselors, and the Texas State Board of Social Worker Examiners shall each appoint one member to a term expiring February 1, 2021, and one member to a term expiring February 1, 2022.

SECTION 4.006. (a) The Texas Behavioral Health Incubation Task Force is established to assist in the establishment of and transfer of regulatory programs to the

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SECTION 4.004. Same as House version.

SECTION 4.005. Same as House version.

SECTION 4.006. Same as House version.

CONFERENCE

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executive council under this Act by providing guidance to:

(1) the executive council regarding:

- (A) hiring the executive director of the executive council;
- (B) developing functional alignments within the organizational structure of the executive council;
- (C) establishing any necessary accounts and reporting requirements; and
- (D) seeking input from interested parties throughout the transfer; and

(2) the transferring entities and the executive council regarding:

- (A) the efficient transfer of necessary data; and
- (B) the revision of existing rules to align with the administrative structure of the executive council.

(b) The task force is composed of:

- (1) the executive commissioner of the Health and Human Services Commission, or the executive commissioner's designee;
- (2) the executive director of the Texas Department of Licensing and Regulation, or the executive director's designee;
- (3) the executive director of the Texas State Board of Examiners of Psychologists;
- (4) a representative of the Texas State Board of Examiners of Marriage and Family Therapists;
- (5) a representative of the Texas State Board of Examiners of Professional Counselors; and
- (6) a representative of the Texas State Board of Social Worker Examiners.

(c) The entities represented on the task force may adopt a memorandum of understanding to accomplish the responsibilities and duties of the task force and to ensure access by the entities of any systems and information

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necessary to effectively transfer the regulatory programs to the executive council under this Act.

SECTION 4.007. (a) Not later than April 1, 2020, the executive council shall hire an executive director for the executive council.

(b) Not later than July 31, 2020, the executive council shall adopt procedural rules necessary to implement Chapter 507, Occupations Code, as added by this Act.

SECTION 4.008. (a) As soon as practicable after the appointment of the members of the executive council, the executive council and the transferring entities shall adopt a transition plan to provide for the orderly transfer of powers, duties, functions, programs, and activities under this Act. The transition plan must provide for the transfer of each regulatory program to be completed on or before August 31, 2020.

(b) The transferring entities shall provide the executive council with access to any systems or information necessary for the executive council to accept a program transferred under this Act.

(c) On the date specified in the transition plan required under Subsection (a) of this section for the transfer of a particular program to the executive council, all full-time equivalent employee positions at a transferring entity that primarily concern the administration or enforcement of the program being transferred become positions at the executive council. The executive council shall post the positions for hiring and, when filling the positions, shall give consideration to, but is not required to hire, an applicant who, immediately before the

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SECTION 4.007. Same as House version.

SECTION 4.008. Same as House version.

CONFERENCE

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date of the transfer, was an employee at a transferring entity primarily involved in administering or enforcing the transferred program.

SECTION 4.009. On the date specified in the transition plan required under Section 4.008(a) of this **Act** for the transfer of a particular program to the executive council:

- (1) a rule or fee relating to a transferred program that is in effect on that date remains in effect until changed by the executive council;
- (2) a license, registration, certification, or other authorization relating to a transferred program that is in effect on that date is continued in effect as a license, registration, certification, or other authorization of the executive council; and
- (3) a complaint, investigation, contested case, or other proceeding relating to a transferred program that is pending before a transferring entity on that date is transferred without change in status to the executive council.

**No equivalent provision.**

SECTION 4.010. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

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SECTION 4.009. On the date specified in the transition plan required under Section 4.008(a) of this **article** for the transfer of a particular program to the executive council:

- (1) a rule or fee relating to a transferred program that is in effect on that date remains in effect until changed by the executive council;
- (2) a license, registration, certification, or other authorization relating to a transferred program that is in effect on that date is continued in effect as a license, registration, certification, or other authorization of the executive council; and
- (3) a complaint, investigation, contested case, or other proceeding relating to a transferred program that is pending before a transferring entity on that date is transferred without change in status to the executive council.

SECTION 4.010. Section 507.154, Occupations Code, as added by this Act, does not prohibit the appropriation of money to the Behavioral Health Executive Council, as created by this Act, for the state fiscal year ending August 31, 2020.

SECTION 4.011. Same as House version.

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No equivalent provision.

SECTION 4.011. This Act takes effect September 1, 2019.

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SECTION 4.\_\_\_\_. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to the online publication of the home address of a person licensed under Chapter 503 or 505, Occupations Code. [FA2(2)]

SECTION 4.012. Same as House version.

CONFERENCE