By:  Romero, Jr., Frank, Coleman, H.B. No. 3626

     Morales Shaw

A BILL TO BE ENTITLED

AN ACT

relating to the licensing of marriage and family therapists, marriage and family therapist associates, professional counselors, professional counselor associates, and social workers, including certain out-of-state applicants.

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

SECTION 1.  Sections 502.151 and 502.1515, Occupations Code, are amended to read as follows:

Sec. 502.151.  GENERAL POWERS AND DUTIES OF EXECUTIVE COUNCIL. Except as otherwise provided by this chapter, the [~~The~~] executive council 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.

Sec. 502.1515.  BOARD DUTIES. Except as otherwise provided by this chapter, the [~~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.  Section 502.252, Occupations Code, is amended by amending Subsections (b) and (c) and adding Subsections (d) and (e) to read as follows:

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

(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;

(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 board [~~executive council~~] 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;

(5)  have not been convicted of a felony or a crime involving moral turpitude;

(6)  not use drugs or alcohol to an extent that affects the applicant's professional competency;

(7)  not have had a license or certification revoked by a licensing agency or by a certifying professional organization; and

(8)  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 at least 1,500 hours of direct clinical services, including a minimum number of hours providing direct clinical services to couples or families as required by board [~~executive council~~] rule; and

(3)  has completed, in a manner acceptable to the board [~~executive council~~], 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.

(d)  Subsections (c)(2) and (c)(3) do not apply to an applicant who:

(1)  is licensed in good standing in another state to independently practice as a licensed marriage and family therapist; and

(2)  has independently practiced as a licensed marriage and family therapist in that state before the date the application is submitted.

(e)  An applicant for a license as a licensed marriage and family therapist who practiced as a licensed marriage and family therapist associate in another state may count that out-of-state experience toward the requirements under Subsections (c)(2) and (c)(3) if:

(1)  the applicant is licensed in good standing as a marriage and family therapist associate in that state; and

(2)  based on a review of that experience by a licensed supervisor in this state, the board determines that the experience is acceptable.

SECTION 3.  Sections 502.2545(a) and (b), Occupations Code, are amended to read as follows:

(a)  The board [~~executive council~~] 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 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 determines that the applicant possesses sufficient education and professional experience to receive a license without satisfying the examination requirements of this chapter; or

(3)  meets the criteria provided by Section 502.252(d).

(b)  The executive council may, subject to approval by the board, 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 4.  Section 502.259(b), Occupations Code, is amended to read as follows:

(b)  An applicant for a provisional license must:

(1)  be licensed in good standing as a marriage and family therapist or a marriage and family therapist associate 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 board [~~executive council~~]; and

(B)  relates to marriage and family therapy; and

(3)  be sponsored by a person licensed by the executive council with whom the provisional license holder may practice under this section.

SECTION 5.  Section 503.201(a), Occupations Code, is amended to read as follows:

(a)  Except as otherwise provided by this chapter, the [~~The~~] executive council shall:

(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.

SECTION 6.  Section 503.2015, Occupations Code, is amended to read as follows:

Sec. 503.2015.  BOARD DUTIES. Except as otherwise provided by this chapter, the [~~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.

SECTION 7.  Section 503.302, Occupations Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(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 the board [~~executive council rule~~], which may not be less than 48 hours and must include at least 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 board [~~executive council~~];

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

(5)  passes the license examination and jurisprudence examination required by this chapter;

(6)  submits an application as required by the executive council, accompanied by the required application fee; and

(7)  meets any other requirement established by the board or [~~prescribed by~~] the executive council.

(a-1)  Subsection (a)(4) does not apply to an applicant who:

(1)  is licensed in good standing in another state to independently practice as a professional counselor or as an art therapist; and

(2)  has independently practiced as a professional counselor or an art therapist in that state for at least the two years preceding the date the application is submitted.

(a-2)  The executive council may waive the requirement that an applicant pass the license examination required by Subsection (a)(5) if the applicant meets the criteria provided by Subsection (a-1). The applicant must pass the jurisprudence examination.

SECTION 8.  Section 503.3025, Occupations Code, is amended to read as follows:

Sec. 503.3025.  EXPERIENCE REQUIRED TO ACT AS SUPERVISOR. A [~~The executive council shall allow a~~] license holder who has practiced as a licensed counselor in another state may [~~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 9.  Section 503.308, Occupations Code, is amended to read as follows:

Sec. 503.308.  ASSOCIATE [~~TEMPORARY~~] LICENSE. (a) The board may establish and the executive council [~~by rule~~] may provide for the issuance of an associate [~~a temporary~~] license. Rules adopted under this subsection must provide a time limit for the period an associate [~~a temporary~~] license is valid.

(b)  The executive council by rule may adopt a system under which an associate [~~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.

SECTION 10.  Section 505.3575, Occupations Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a)  Notwithstanding any other licensing requirement of this subchapter:

(1)  the executive council may not require an applicant who is licensed in good standing in another state to pass a licensing examination conducted by the executive council 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 may waive the requirement that an applicant not otherwise described by Subdivision (1) pass a licensing examination conducted by the executive council under Section 505.354 if the applicant:

(A)  is licensed in good standing in another state to independently practice as a social worker; and

(B)  has independently practiced as a licensed social worker in that state for at least one year preceding the date the application is submitted; and

(3)  the executive council 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 determines that the applicant:

(i)  demonstrates sufficient experience and competence, subject to Subsection (c);

(ii)  has passed the jurisprudence examination conducted by the executive council 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 credentials that the applicant obtained from a national accreditation organization and the executive council determines that the requirements to obtain the credentials are sufficient to minimize any risk to public safety.

(c)  An applicant satisfies the requirements of Subsection (a)(3)(A)(i) if the applicant:

(1)  is licensed in good standing in another state to independently practice as a social worker; and

(2)  has independently practiced as a licensed social worker in that state for at least one year preceding the date the application is submitted.

SECTION 11.  The changes in law made by this Act apply only to an application for a license submitted on or after the effective date of this Act. An application for a license submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and that law is continued in effect for that purpose.

SECTION 12.  This Act takes effect September 1, 2021.