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H.B. No. 3626

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the licensing of marriage and family therapists,
3 marriage and family therapist associates, professional counselors,
4 professional counselor associates, and social workers, including
5 certain out-of-state applicants.

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

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

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

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

14 (2) adopt a code of professional ethics for license
15 holders.

16 Sec. 502.1515. BOARD DUTIES. Except as otherwise provided
17 by this chapter, the [~~The~~] board shall propose to the executive
18 council:

19 (1) rules regarding:

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

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

1 (C) continuing education requirements for
2 license holders; and

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

5 SECTION 2. Section 502.252, Occupations Code, is amended by
6 amending Subsections (b) and (c) and adding Subsections (d) and (e)
7 to read as follows:

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

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

11 (2) have completed a graduate internship in marriage
12 and family therapy, or an equivalent internship, as approved by the
13 executive council;

14 (3) pass the license examination and jurisprudence
15 examination determined by the board;

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

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

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

27 (7) not have had a license or certification revoked by

1 a licensing agency or by a certifying professional organization;
2 and

3 (8) not have engaged in fraud or deceit in applying for
4 a license under this chapter.

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

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

8 (2) after receipt of a degree described by Subsection
9 (b)(4), has completed two years of work experience in marriage and
10 family therapist services that includes at least 3,000 hours of
11 clinical practice consisting of at least 1,500 hours of direct
12 clinical services, including a minimum number of hours providing
13 direct clinical services to couples or families as required by
14 board [~~executive council~~] rule; and

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

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

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

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

27 (e) An applicant for a license as a licensed marriage and

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

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

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

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

12 (a) The board [~~executive council~~] may waive the requirement
13 that an applicant for a license as a licensed marriage and family
14 therapist pass the examination required by Section 502.254 if the
15 applicant:

16 (1) is a provisional license holder under Section
17 502.259 and the executive council determines that the applicant
18 possesses sufficient education and professional experience to
19 receive a license without further examination; [~~or~~]

20 (2) holds a license issued by another licensing agency
21 in a profession related to the practice of marriage and family
22 therapy and the executive council determines that the applicant
23 possesses sufficient education and professional experience to
24 receive a license without satisfying the examination requirements
25 of this chapter; or

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

27 (b) The executive council may, subject to approval by the

1 board, adopt rules necessary to administer this section, including
2 rules under Subsection (a)(2) prescribing the professions that are
3 related to the practice of marriage and family therapy.

4 SECTION 4. Section 502.259(b), Occupations Code, is amended
5 to read as follows:

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

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

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

12 (A) is recognized by the board [~~executive~~
13 ~~council~~]; and

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

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

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

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

22 (1) determine the qualifications and fitness of an
23 applicant for a license, license renewal, or provisional license;

24 (2) examine for, deny, approve, issue, revoke,
25 suspend, suspend on an emergency basis, place on probation, and
26 renew the license of an applicant or license holder under this
27 chapter;

- 1 (3) adopt and publish a code of ethics; and
- 2 (4) by rule adopt a list of authorized counseling
- 3 methods or practices that a license holder may undertake or
- 4 perform.

5 SECTION 6. Section 503.2015, Occupations Code, is amended

6 to read as follows:

7 Sec. 503.2015. BOARD DUTIES. Except as otherwise provided

8 by this chapter, the [~~The~~] board shall propose to the executive

9 council:

- 10 (1) rules regarding:
 - 11 (A) the qualifications necessary to obtain a
 - 12 license, including rules limiting an applicant's eligibility for a
 - 13 license based on the applicant's criminal history;
 - 14 (B) the scope of practice of and standards of
 - 15 care and ethical practice for professional counseling; and
 - 16 (C) continuing education requirements for
 - 17 license holders; and
- 18 (2) a schedule of sanctions for violations of this
- 19 chapter or rules adopted under this chapter.

20 SECTION 7. Section 503.302, Occupations Code, is amended by

21 amending Subsection (a) and adding Subsections (a-1) and (a-2) to

22 read as follows:

- 23 (a) A person qualifies for a license under this chapter if
- 24 the person:
 - 25 (1) is at least 18 years old;
 - 26 (2) has a master's or doctoral degree in counseling or
 - 27 a related field;

1 (3) has successfully completed a graduate degree at a
2 regionally accredited institution of higher education and the
3 number of graduate semester hours required by the board [~~executive~~
4 ~~council rule~~], which may not be less than 48 hours and must include
5 at least 300 clock hours of supervised practicum that:

6 (A) is primarily counseling in nature; and

7 (B) meets the specific academic course content
8 and training standards established by the board [~~executive~~
9 ~~council~~];

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

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

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

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

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

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

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

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

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

7 Sec. 503.3025. EXPERIENCE REQUIRED TO ACT AS SUPERVISOR. A
8 ~~[The executive council shall allow a]~~ license holder who has
9 practiced as a licensed counselor in another state may ~~[to]~~ count
10 that out-of-state experience toward any experience that the license
11 holder is required ~~[by executive council rule]~~ to obtain to act as a
12 supervisor under this chapter if the ~~[executive council determines~~
13 ~~that the]~~ other state has license requirements substantially
14 equivalent to the requirements of this chapter.

15 SECTION 9. Section 503.308, Occupations Code, is amended to
16 read as follows:

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

22 (b) The executive council by rule may adopt a system under
23 which an associate ~~[a temporary]~~ license may be issued to a person
24 who:

25 (1) meets all of the academic requirements for
26 licensing; and

27 (2) enters into a supervisory agreement with a

1 supervisor approved by the executive council.

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

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

7 (1) the executive council may not require an applicant
8 who is licensed in good standing in another state to pass a
9 licensing examination conducted by the executive council under
10 Section 505.354 if an applicant with substantially equivalent
11 experience who resides in this state would not be required to take
12 the licensing examination; ~~and~~

13 (2) the executive council may waive the requirement
14 that an applicant not otherwise described by Subdivision (1) pass a
15 licensing examination conducted by the executive council under
16 Section 505.354 if the applicant:

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

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

22 (3) the executive council may issue a license to an
23 applicant who is currently licensed in another state to
24 independently practice social work if:

25 (A) after an assessment, the executive council
26 determines that the applicant:

27 (i) demonstrates sufficient experience and

1 competence, subject to Subsection (c);

2 (ii) has passed the jurisprudence
3 examination conducted by the executive council under Section
4 505.3545; and

5 (iii) at the time of the application, is in
6 good standing with the regulatory agency of the state in which the
7 applicant is licensed; and

8 (B) the applicant presents to the executive
9 council credentials that the applicant obtained from a national
10 accreditation organization and the executive council determines
11 that the requirements to obtain the credentials are sufficient to
12 minimize any risk to public safety.

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

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

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

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

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