

BILL ANALYSIS

C.S.H.B. 2557
By: Buckley
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The required credentials for licensed professional counselors (LPCs) differ among the fifty states, making it difficult for LPCs to practice counseling interstate via telehealth. These differing requirements also hinder the ability of LPCs to physically move between states and obtain another state's license, which is especially an issue for military personnel and spouses who move more frequently. To address these reciprocity and telehealth issues, a national committee was formed to create an interstate LPC compact, which 21 states have already joined. C.S.H.B. 2557 seeks to provide for the State of Texas to join the Licensed Professional Counselors Compact by enacting the compact legislation designed by the national committee and adopted by the 21 compact member states.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Behavioral Health Executive Council in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 2557 amends the Occupations Code to enact and enter into the Licensed Professional Counselors (LPC) Compact with all other jurisdictions that legally join in the compact to facilitate interstate practice of LPCs with the goal of improving public access to professional counseling services. The bill sets out the compact's provisions, including provisions providing for the following:

- the compact's purpose and objectives;
- individual state participation in the compact;
- the manner in which an individual who is licensed to practice as an LPC in a member state may exercise privilege to practice under the compact;
- the manner in which an LPC who changes their primary state of residence from one member state to another obtains a new home state;
- the right of an LPC licensed in a member state to practice telehealth in any of the other member states;
- participation in the compact by active duty military personnel and their spouses;
- the authority of and manner in which a member state may take adverse actions against an LPC licensed in another member state in accordance with existing state due process law, including joint investigations with other member states;
- the establishment of the Counseling Compact Commission as a joint public agency and instrumentality of the compact states and the establishment of an executive committee to act on behalf of the commission;

- the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed LPCs in member states;
- the commission's rulemaking authority and the manner in which member states may reject and nullify an adopted rule;
- oversight, dispute resolution, and enforcement of compact provisions by the commission, member state governments, and the courts, as applicable, including the termination of membership in the compact for a defaulting state;
- the process for amending or withdrawing from the compact; and
- the construction and severability of the compact's provisions, as well as the binding effect of the compact and member state's laws on participating LPCs.

The compact takes effect on the date on which the compact statute is enacted into law in the 10th member state.

C.S.H.B. 2557 designates the Texas Behavioral Health Executive Council (BHEC) as the administrator of the compact in Texas and authorizes BHEC to adopt rules necessary to implement the bill's provisions.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

C.S.H.B. 2557 differs from the introduced in minor or nonsubstantive ways to make a technical correction.