

By: Romero

H.B. No. 5421

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regulation of certain occupations by the Texas
3 Behavioral Health Executive Council, including the licensing of
4 marriage and family therapists, marriage and family therapist
5 associates, professional counselors, professional counselor
6 associates, and social workers; authorizing fees.

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

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

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

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

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

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

20 (1) rules regarding:

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

24 (B) the scope of practice of and standards of

1 care and ethical practice for marriage and family therapy; and

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

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

6 SECTION 2. Sections 502.252(b) and (c), Occupations Code,
7 are amended 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 board [~~executive council~~];

14 (3) pay the examination fee and pass the license
15 examination and jurisprudence 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
26 affects the applicant's professional competency;

27 (6) [(7)] not have had a license or certification

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

3 (7) [~~(8)~~] not have engaged in fraud or deceit in
4 applying for 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
10 and family therapist services that includes the number of hours [~~at~~
11 ~~least 3,000 hours of clinical practice consisting of at least 1,500~~
12 ~~hours of direct clinical services, including a minimum number of~~
13 ~~hours~~] providing [~~direct~~] clinical services to individuals,
14 couples, or families as required by the executive council [~~rule~~];
15 and

16 (3) has completed, in a manner acceptable to the
17 executive council, [~~at least 200 hours of~~] supervised provision of
18 direct clinical services by the applicant for the number of hours as
19 determined by the executive council, [~~100 hours of~~] which must be
20 supervised by an approved supervisor as prescribed by the executive
21 council [~~on an individual basis~~].

22 SECTION 3. Section 502.2545 (a) and (b), Occupations Code,
23 is amended to read as follows:

24 Sec. 502.2545. WAIVER OF EXAMINATION FOR CERTAIN
25 APPLICANTS. (a) The executive council may waive the requirement
26 that an applicant for a license as a licensed marriage and family
27 therapist pass the examination required by Section 502.254 if the

1 applicant[:

2 ~~[(1) is a provisional license holder under Section~~
3 ~~502.259 and the executive council determines that the applicant~~
4 ~~possesses sufficient education and professional experience to~~
5 ~~receive a license without further examination; or]~~

6 [(2)] holds a license issued by another licensing
7 agency in a profession related to the practice of marriage and
8 family therapy and the executive council determines that the
9 applicant possesses sufficient education and professional
10 experience to receive a license without satisfying the examination
11 requirements of this chapter.

12 (b) The executive council may adopt rules necessary to
13 administer this section, including rules ~~[under Subsection (a)(2)]~~
14 prescribing the professions that are related to the practice of
15 marriage and family therapy.

16 SECTION 4. The heading to Section 502.259, Occupations
17 Code, is amended to read as follows:

18 Sec. 502.259. APPLICANTS LICENSED OUT OF STATE ~~[PROVISIONAL~~
19 ~~LICENSE]~~.

20 SECTION 5. Sections 502.259(a) and (b), Occupations Code,
21 are amended to read as follows:

22 (a) The executive council may grant a ~~[provisional]~~ license
23 to practice as a marriage and family therapist in this state
24 ~~[without examination]~~ to an applicant who is licensed or otherwise
25 registered as a marriage and family therapist by another state or
26 jurisdiction ~~[if the requirements to be licensed or registered in~~
27 ~~the other state or jurisdiction were, on the date the person was~~

1 ~~licensed or registered, substantially equal to the requirements of~~
2 ~~this chapter].~~

3 (b) An applicant for a [~~provisional~~] license under this
4 section must:

5 (1) be licensed in good standing to independently
6 practice as a marriage and family therapist in another state or
7 jurisdiction [~~that has licensing requirements that are~~
8 ~~substantially equal to the requirements of this chapter];~~

9 (2) meet the requirements of Section 502.252(b) [~~have~~
10 ~~passed a national or other examination that:~~

11 [~~(A) is recognized by the executive council; and~~
12 [~~(B) relates to marriage and family therapy];~~
13 ~~and]~~

14 (3) file an application with the appropriate fee in
15 the form and manner prescribed [~~be sponsored by a person licensed~~
16 ~~by the executive council [with whom the provisional license holder~~
17 ~~may practice under this section].~~

18 SECTION 6. Section 502.301(a), Occupations Code, is amended
19 to read as follows:

20 (a) A marriage and family therapist license issued under
21 this chapter is subject to [~~biennial~~] renewal. The executive
22 council shall adopt a system under which licenses expire on various
23 dates during the year.

24 SECTION 7. Subchapter F, Chapter 507, Occupations Code, is
25 amended by adding Section 507.260 to read as follows:

26 Sec. 507.260. RECIPROCAL LICENSE. The executive council
27 may enter into and implement agreements with other jurisdictions

1 for the issuance of a license under Chapter 501, 502, 503, or 505 by
2 reciprocity if the other jurisdiction's requirements for
3 licensing, certification, or registration are substantially equal
4 to the requirements of the applicable chapter.

5 SECTION 8. The following provisions are repealed:

- 6 (1) Section 501.262, Occupations Code;
- 7 (2) Section 502.254(b), Occupations Code; and
- 8 (3) Sections 502.259(c), (d), and (e), Occupations
9 Code.

10 SECTION 9. (a) Chapter 502, Occupations Code, as amended by
11 this Act, applies only to an application for a license under that
12 chapter filed with the Texas Behavioral Health Executive Council on
13 or after the effective date of this Act. An application for a
14 license filed before the effective date of this Act is governed by
15 the law in effect on the date the application was filed, and the
16 former law is continued in effect for that purpose.

17 (b) Section 502.301(a), Occupations Code, as amended by
18 this Act, applies to a license that expires on or after the
19 effective date of this Act. A license that expires before that date
20 is governed by the law in effect on the date the license expired,
21 and the former law is continued in effect for that purpose.

22 SECTION 10. This Act takes effect immediately if it
23 receives a vote of two-thirds of all the members elected to each
24 house, as provided by Section 39, Article III, Texas Constitution.
25 If this Act does not receive the vote necessary for immediate
26 effect, this Act takes effect September 1, 2025.