

BILL ANALYSIS

C.S.H.B. 3995
By: Romero, Jr.
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

A lawsuit alleging that licensed marriage and family therapists are intruding on a physician's exclusive right to diagnose physical and mental conditions has created uncertainty about whether a licensed marriage and family therapist can claim reimbursement from a client's medical insurance. Interested parties point out that if licensed marriage and family therapists are unable to practice given the uncertainty of reimbursement, current shortages of access to mental health care will worsen. C.S.H.B. 3995 seeks to increase access to mental health care for patients in need, provide career stability for existing practitioners and students alike, and reduce insurance premium costs borne by employers.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3995 amends the Occupations Code to specify that the practice of marriage and family therapy may include the use of the Diagnostic and Statistical Manual of Mental Disorders, the International Classification of Diseases, and other diagnostic classification systems and the use of billing codes in connection with those systems for evaluation, classification, treatment, and other activities by a person licensed under the Licensed Marriage and Family Therapist Act, in connection with a claim for payment or reimbursement from a health insurance policy issuer or other payor. The bill specifies that the practice of marriage and family therapy does not include prescribing medication, treating a physical disease, or providing any service outside the scope of practice of a licensed marriage and family therapist or licensed marriage and family therapist associate.

C.S.H.B. 3995 amends the Education Code to make a conforming change.

C.S.H.B. 3995 repeals Section 502.002(6), Occupations Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3995 may differ from the original in minor or nonsubstantive ways, the

following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 502.002(6), Occupations Code, is amended to read as follows:

(6) "Marriage and family therapy" means providing professional therapy services to individuals, families, or married couples, alone or in groups, that involve applying family systems theories and techniques. The term includes the evaluation and remediation of cognitive, affective, behavioral, or relational dysfunction in the context of marriage or family systems, including utilization of the Diagnostic and Statistical Manual of Mental Disorders, the International Classification of Diseases and other diagnostic classification systems and the billing codes therein, for evaluation, classification, treatment, and other activities by a person licensed under this chapter, in connection with any claim for payment or reimbursement from a health insurance policy issuer or any other payor.

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 502, Occupations Code, is amended by adding Section 502.0021 to read as follows:

Sec. 502.0021. PRACTICE OF MARRIAGE AND FAMILY THERAPY.

(a) "Marriage and family therapy" means the provision of professional therapy services to individuals, families, or married couples, alone or in groups, that involve applying family systems theories and techniques, including the evaluation and remediation of cognitive, affective, behavioral, or relational dysfunction in the context of marriage or family systems.

(b) The practice of marriage and family therapy may include the use of the Diagnostic and Statistical Manual of Mental Disorders, the International Classification of Diseases, and other diagnostic classification systems and the use of billing codes in connection with those systems for evaluation, classification, treatment, and other activities by a person licensed under this chapter, in connection with a claim for payment or reimbursement from a health insurance policy issuer or other payor.

(c) The practice of marriage and family therapy does not include prescribing medication, treating a physical disease, or providing any service outside the scope of practice of a licensed marriage and family therapist or licensed marriage and family therapist associate.

SECTION 2. Section 21.003(b), Education Code, is amended to read as follows:

(b) Except as otherwise provided by this subsection, a person may not be employed by a school district as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, licensed professional counselor, marriage and family therapist, social worker, or speech language pathologist unless the person is licensed by the state agency that licenses that profession and may perform specific services within those professions for a school district only if the person holds the appropriate credential from the appropriate state agency. As long

as a person employed by a district before September 1, 2011, to perform marriage and family therapy under Chapter 502 [~~as defined by Section 502.002~~], Occupations Code, is employed by the same district, the person is not required to hold a license as a marriage and family therapist to perform marriage and family therapy with that district.

No equivalent provision. (*But see SECTION 1 above.*)

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the votes necessary for immediate effect, this Act take effect September 1, 2015.

SECTION 3. Section 502.002(6), Occupations Code, is repealed.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.