

- SUBJECT:** Continuing Texas State Board of Examiners of Professional Counselors
- COMMITTEE:** Public Health — committee substitute recommended
- VOTE:** 5 ayes — Delisi, Jackson, McReynolds, Truitt, Zedler  
0 nays  
4 absent — Laubenberg, Coleman, Dawson, Solis
- WITNESSES:** For — Jan Friese, Texas Counseling Association; (*Registered, but did not testify*: Claire Hill)  
Against — None  
On — Bobbe Alexander, Department of State Health Services, Texas State Board of Examiners of Professional Counselors; Kelly Kennedy, Sunset Commission; Judith Powell, State Board of Examiners of Licensed Professional Counselors
- BACKGROUND:** Licensed professional counselors, under Occupations Code, ch. 503.003, apply mental health, psychotherapeutic, and human development principles to prevent, assess, evaluate, and treat mental, emotional, or behavioral disorders. The Texas State Board of Examiners of Professional Counselors, a part of the Texas Department of State Health Service's Professional Licensing and Certification, is the licensing and regulatory authority for professional counselors in Texas.  
  
The board underwent sunset review in 1993 and was continued by the 73rd Legislature. If not continued by the 79th Legislature, the board will be abolished September 1, 2005.
- DIGEST:** CSHB 1283 would continue the Texas State Board of Examiners of Professional Counselors until September 1, 2017. It would add standard sunset provisions governing conflicts of interest, board membership, grounds for removing a board member, training of board members, division of responsibilities, negotiation of rulemaking, technology, and complaint procedures. It also would add standard licensing board recommendations, such as no reimbursement, rules on criminal

convictions, delegated authority, complaint procedures, continuing education, the jurisprudence examination, license renewal terms, refunds, issuing cease and desist orders, and a penalty matrix.

The bill would remove the board's authority to establish a state examination for licensure and would replace it with a national exam. The board would contract with a nationally recognized testing organization to develop and administer the written exam.

The bill would take effect September 1, 2005.

**SUPPORTERS  
SAY:**

The Texas State Board of Examiners of Professional Counselors adequately oversees licensed professional counselors in Texas. It should use a national exam so that the Texas license would be more portable to allow professional counselors more easily to practice in other states. Texas is the only state that requires a state exam instead of the national exam administered by the National Board of Certified Counselors.

CSHB 1283 should not address scope of practice issues on the use of the term "counselor." The bill is about the governing structure for licensed professional counselors, not their actual practice. Instead of adding scope of practice issues to sunset bills, the state should create a separate committee for this issue, such as the one envisioned in HB 2706 by Delisi that would create a Health Professions Scope of Practice Review Commission.

**OPPONENTS  
SAY:**

The bill should address the use of "counselor" by individuals who are not licensed by the board. Grief counselors or career counselors use the term but do not meet the licensing requirements. The public should not be misled by the use of this term.

**NOTES:**

The committee substitute made modifications to the standard sunset recommendations, including conflict of interest restrictions for board members, minimum education and training requirements for licensure. It also removed the "art therapy intern" designation in the filed version.

The companion bill, SB 414 by Carona, has been referred to the Senate Government Organization Committee.