

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1899
By: Zaffirini
Health & Human Services
5/19/2005
Committee Report (Substituted)

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Legislation was passed during the 78th Legislature, Regular Session, 2003, to increase the educational requirements for licensure as a Licensed Chemical Dependency Counselor (LCDC). Stake holders requested a "clean up" of that bill to ensure that the work experience obtained for licensure is supervised by a certified clinical supervisor, requires documentation that the applicant has access to a peer assistance program, and requires all certification to be printed on the face of the license.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Commission on Alcohol and Drug Abuse is transferred to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 504.0015, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 504.001, Occupations Code, to define "certified clinical supervisor," "department," "peer assistance program."

SECTION 2. Amends Subchapter A, Chapter 504, Occupations Code, by adding Section 504.0015, as follows:

Sec. 504.0015. AUTHORITY OF DEPARTMENT OF STATE HEALTH SERVICES.

(a) Provides that in this chapter, except as provided by Subsection (b), a reference to the Texas Commission on Alcohol and Drug Abuse (TCADA) means the Department of State Health Services (DSHS) and a reference to the executive director means the commissioner of DSHS.

(b) Provides that rulemaking authority formerly exercised by TCADA under this chapter is exercised by the executive commissioner of the Health and Human Services Commission.

SECTION 3. Amends Subchapter B, Chapter 504, Occupations Code, by adding Section 504.058, as follows:

Sec. 504.058. APPROVAL OF PEER ASSISTANCE PROGRAMS. (a) Requires DSHS to approve one or more peer assistance programs (program) to which persons licensed under this chapter may seek assistance. Requires DSHS to approve programs that meet the minimum criteria established by DSHS regardless of whether the program is established by a licensing or disciplinary authority or a professional association.

(b) Requires DSHS to maintain a list of approved programs for licensed chemical dependency counselors on the department's Internet website.

SECTION 4. Amends Section 504.152, Occupations Code, to make modifications to the list of eligibility requirements for licensure under this chapter.

SECTION 5. Amends Subchapter D, Chapter 504, Occupations Code, by adding Section 504.1521, as follows:

Sec. 504.1521. SUPERVISED WORK EXPERIENCE. Requires supervised work experience obtained in this state to be obtained at a registered clinical training institution or under the supervision of a certified clinical supervisor.

SECTION 6. Amends Section 504.1525, Occupations Code, by amending Subsection (a) and adding Subsections (a-1) and (c), as follows:

(a) Makes conforming changes.

(a-1) Authorizes DSHS, on a cases-by-case basis to issue a chemical dependency counselor license to a person convicted or placed on community supervision in any jurisdiction for a drug or alcohol offense.

(c) Authorizes DSHS to issue a license under Subsection (a-1) if DSHS determines that the applicant has successfully completed participation in an approved program or DSHS waives that requirement.

SECTION 7. Amends Section 504.2025, Occupations Code, as follows:

(a) Makes conforming changes.

(b) Authorizes DSHS to renew a license under this section if DSHS determines that the person has completed participation in an approved program subsequent to the conviction or placement on community supervision for an offense described by Section 504.1525 (a-1) or DSHS waives that requirement.

SECTION 8. Amends Subchapter E, Chapter 504, Occupations Code, by adding Section 504.2026, as follows:

Sec. 504.2026. REFUSAL TO RENEW LICENSE: ACCESS TO PEER ASSISTANCE PROGRAM. (a) Prohibits DSHS, except as provided by Subsection (b), from renewing a license under this chapter unless the license holder provides documentation that the license holder has access to an approved program.

(b) Authorizes DSHS to waive the requirement of Subsection (a) if the department determines that a program is not reasonably available to the license holder.

SECTION 9. (a) Requires DSHS to approve one or more programs under Section 504.058, Occupations Code, as added by this Act, not later than September 1, 2006, providing applications meet criteria approved by DSHS.

(b) Makes application of changes in law made by this Act with regard to the grounds for issuance of a license under Chapter 504 (Chemical Dependency Counselors), Occupations Code, prospective to September 1, 2006.

(c) Makes application of the changes in law made by this Act with regard to the grounds for renewal of a license under Chapter 504, Occupations Code, prospective.

SECTION 10. (a) Effective date: September 1, 2005 except as provided by Subsection (b).

(b) Provides that Section 504.152, Occupations Code, as amended by this Act, and Sections 504.1521 and 504.2026, Occupations Code, as added by this Act, take effect September 1, 2006.