

## **BILL ANALYSIS**

Senate Research Center

H.B. 3808  
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Higher Education  
8/1/2017  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Texas has over 200 counties that are designated as mental health professional shortage areas. In an effort to address the state's mental health access and workforce issues, the 85th Legislature passed S.B. 239, establishing a program at the Texas Higher Education Coordinating Board (THECB), subject to legislative funding, to provide student loan repayment assistance for certain mental health professionals who agreed to practice in underserved areas.

Licensed marriage and family therapists (LMFTs) treat mental and emotional disorders while the licensure requires at least a master's degree, completion of 3,000 clock hours of supervised work, and a passing score on the state licensing exam. H.B. 3808 seeks to provide that licensed marriage and family therapists would benefit from greater access to student loan repayment assistance for therapists looking to obtain a degree.

H.B. 3808 amends the Education Code to make a licensed marriage and family therapist eligible for repayment assistance for certain mental health professional education loans, with the amount of such assistance capped at \$80,000 if the therapist has received a doctoral degree related to marriage and family therapy and \$40,000 if they have not. (Original Author's / Sponsor's Statement of Intent)

H.B. 3808 amends current law relating to student loan repayment assistance for certain mental health professionals and to the conduct that constitutes the practice of psychology.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Higher Education Coordinating Board in SECTION 4 (Section 61.608, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 61.601, Education Code, to redefine "mental health professional."

SECTION 2. Amends Section 61.604, Education Code, by adding Subsections (d) and (e), as follows:

(d) Authorizes the Texas Higher Education Coordinating Board (THECB) to award a grant under this subchapter (Repayment of Certain Mental Health Professional Education Loans) to a mental health professional described by Section 61.601(6) (relating to including a licensed marriage and family therapist in the definition of "mental health professional") only in accordance with Subsection (e).

(e) Authorizes THECB, if in a state fiscal year there are funds available for purposes of the program after funding grants to all described eligible mental health professionals, to allocate any unused funds to award repayment assistance grants to mental health professionals in any of the professions listed in Section 61.601 (Definition) except that priority is required to be given to awarding grants to certain mental health professionals. Provides that certain limitations do not apply to grants awarded under this subsection.

SECTION 3. Amends Section 61.607(b), Education Code, as follows:

(b) Prohibits the total amount of repayment assistance received by a mental health professional under this subchapter from exceeding:

(1) makes no changes this subdivision;

(2) \$80,000, for assistance received by:

(A) makes no changes to this paragraph;

(B) and (C) makes nonsubstantive changes; or

(D) a licensed marriage and family therapist, if the marriage and family therapist has received a doctoral degree related to marriage and family therapy;

(3) makes no changes to this subdivision; and

(4) \$40,000, for assistance received by a licensed clinical social worker, a licensed marriage and family therapist, or a licensed professional counselor who is not described by Subdivision (2).

SECTION 4. Amends Section 61.608, Education Code, by adding Subsection (c), to require THECB to adopt rules establishing a process for allocating any unused funds under the program in a state fiscal year in accordance with Section 61.604(e).

SECTION 5. Amends Section 501.003, Occupations Code, as follows:

Sec. 501.003. New heading: DEFINITION: PRACTICE OF PSYCHOLOGY. (a) Defines "practice of psychology" and makes nonsubstantive changes.

(b) Provides that a person is engaged in the practice of psychology, rather than practice of psychology within the meaning of this chapter, if the person meets certain criteria.

(c) Provides that a person is not engaged in the practice of psychology based solely on the person offering, regardless of whether the person is solicited, advice, counsel, or guidance addressing or affecting the mental, emotional, or behavioral health of another, if the person does not represent that the person is licensed under this chapter (Psychologists) or engaged in the delivery of psychological services and does not represent that the advice, counsel, or guidance is psychological in nature, and certain criteria are met.

SECTION 6. Effective date: upon passage or September 1, 2017.