

## **BILL ANALYSIS**

Senate Research Center

H.B. 3626  
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Health & Human Services  
5/20/2021  
Engrossed

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

Concerns have been raised that the application process for certain mental health professionals who are moving to Texas and seeking licensure reciprocity can be lengthy and burdensome. It has been suggested that streamlining this process for such professionals could ease their transition to Texas, while helping to mitigate a shortage of licensed mental health professionals that could worsen as many near retirement in the coming years. H.B. 3626 would update licensing requirements for marriage and family therapists, marriage and family therapist associates, professional counselors, and professional counselor associates, including certain out-of-state applicants.

H.B. 3626 amends current law relating to the licensing of marriage and family therapists, marriage and family therapist associates, professional counselors, professional counselor associates, and social workers, including certain out-of-state applicants.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Behavioral Health Executive Council is modified in SECTION 3 (Section 502.2545, Occupations Code), SECTION 5 (Section 503.201, Occupations Code) and SECTION 9 (Section 503.308, Occupations Code) of this bill.

Rulemaking authority previously granted to the Texas Behavioral Health Executive Council is rescinded in SECTION 9 (Section 503.308, Occupations Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 502.151 and 502.1515, Occupations Code, as follows:

Sec. 502.151. GENERAL POWERS AND DUTIES OF EXECUTIVE COUNCIL. Creates an exception to the requirements of Chapter 502 (Marriage and Family Therapists), that the Texas Behavioral Health Executive Council (executive council) determine the qualifications and fitness of a license applicant under Chapter 502 and adopt a code of professional ethics for license holders. Makes a nonsubstantive change.

Sec. 502.1515. BOARD DUTIES. Creates an exception to the requirement of Chapter 502 that the Texas State Board of Examiners of Marriage and Family Therapists (BMFT) make certain proposals to the executive council. Makes a nonsubstantive change.

SECTION 2. Amends Section 502.252, Occupations Code, by amending Subsections (b) and (c) and adding Subsections (d) and (e), as follows:

(b) Requires a person, to qualify for a license as a licensed marriage and family therapist associate, to meet certain criteria, including to hold a master's or doctoral degree in marriage and family therapy or in a related mental health field with coursework and training determined by BMFT, rather than determined by the executive council, to be substantially equivalent to a graduate degree in marriage and family therapy from a regionally accredited institution of higher education or an institution of higher education approved by the executive council.

(c) Provides that an applicant is eligible to apply for a license as a licensed marriage and family therapist if the person:

(1) makes no changes to this subdivision;

(2) after receipt of a degree described by Subsection (b)(4) (relating to a master's or doctoral degree in marriage and family therapy), has completed two years of work experience in marriage and family therapist services that includes at least 3,000 hours of clinical practice consisting of at least 1,500 hours of direct clinical services, including a minimum number of hours providing direct clinical services to couples or families as required by BMFT rule, rather than as required by executive council rule; and

(3) has completed, in a manner acceptable to BMFT, rather than acceptable to the executive council, at least 200 hours of supervised provision of direct clinical services by the applicant, 100 hours of which is required to be supervised on an individual basis.

(d) Provides that Subsections (c)(2) and (c)(3) do not apply to an applicant who:

(1) is licensed in good standing in another state to independently practice as a licensed marriage and family therapist; and

(2) has independently practiced as a licensed marriage and family therapist in that state before the date the application is submitted.

(e) Authorizes an applicant for a license as a licensed marriage and family therapist who practiced as a licensed marriage and family therapist associate in another state to count that out-of-state experience toward the requirements under Subsections (c)(2) and (c)(3) if:

(1) the applicant is licensed in good standing as a marriage and family therapist associate in that state; and

(2) based on a review of that experience by a licensed supervisor in this state, BMFT determines that the experience is acceptable.

SECTION 3. Amends Sections 502.2545(a) and (b), Occupations Code, as follows:

(a) Authorizes BMFT, rather than the executive council, to waive the requirement that an applicant for a license as a licensed marriage and family therapist pass the examination required by Section 502.254 (License Examination) if the applicant meets certain criteria, including meets the criteria provided by Section 502.252(d).

(b) Authorizes the executive council, subject to approval by BMFT, to adopt rules necessary to administer Section 502.2545 (Waiver of Examination for Certain Applicants), including rules under Subsection (a)(2) (relating to holding a license in a profession related to the practice of marriage and family therapy) prescribing the professions that are related to the practice of marriage and family therapy.

SECTION 4. Amends Section 502.259(b), Occupations Code, as follows:

(b) Requires an applicant for a provisional license to meet certain criteria, including to be licensed in good standing as a marriage and family therapist or a marriage and family therapist associate, rather than as a marriage and family therapist, in another state or jurisdiction that has licensing requirements that are substantially equal to the requirements of Chapter 502 and to have passed a national or other examination that is recognized by BMFT, rather than recognized by the executive council.

SECTION 5. Amends Section 503.201(a), Occupations Code, to create an exception as otherwise provided by Chapter 503 (Licensed Professional Counselors) to the requirement that the executive council perform certain duties.

SECTION 6. Amends Section 503.2015, Occupations Code, as follows:

Sec. 503.2015. BOARD DUTIES. Creates an exception as otherwise provided by Chapter 503 to the requirement that the Texas State Board of Examiners of Professional Counselors (board) propose to the executive council certain rules and a schedule of sanctions for violations.

SECTION 7. Amends Section 503.302, Occupations Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows:

(a) Provides that a person qualifies for a license under Chapter 503 if the person meets certain criteria, including if the person has successfully completed a graduate degree at a regionally accredited institution of higher education and the number of graduate semester hours required by the board, rather than required by executive council rule, which is prohibited from being less than 48 hours and is required to include at least 300 clock hours of supervised practicum that meets the specific academic course content and training standards established by the board, rather than established by the executive council, and meets any other requirement established by the board or the executive council, rather than any other requirement prescribed by the executive council.

(a-1) Provides that Subsection (a)(4) (relating to required supervised experience hours) does not apply to an applicant who:

(1) is licensed in good standing in another state to independently practice as a professional counselor or as an art therapist; and

(2) has independently practiced as a professional counselor or an art therapist in that state for at least the two years preceding the date the application is submitted.

(a-2) Authorizes the executive council to waive the requirement that an applicant pass the license examination required by Subsection (a)(5) (relating to the required license examination and jurisprudence examination) if the applicant meets the criteria provided by Subsection (a-1). Requires the applicant to pass the jurisprudence examination.

SECTION 8. Amends Section 503.3025, Occupations Code, as follows:

Sec. 503.3025. EXPERIENCE REQUIRED TO ACT AS SUPERVISOR. Authorizes a license holder who has practiced as a licensed counselor in another state to count that out-of-state experience toward any experience that the license holder is required to obtain to act as a supervisor under Chapter 503 if the other state has license requirements substantially equivalent to the requirements of Chapter 503. Deletes existing text requiring the executive council to allow a license holder who has practiced as a licensed counselor in another state to count that out-of-state experience toward any experience that the license holder is required by executive council rule to obtain to act as a supervisor under Chapter 503 if the executive council determines that the other state has license requirements substantially equivalent to the requirements of Chapter 503.

SECTION 9. Amends Section 503.308, Occupations Code, as follows:

Sec. 503.308. New heading: ASSOCIATE LICENSE. (a) Authorizes the board to establish and the executive council to provide for the issuance of an associate license. Requires that rules adopted under this subsection must provide a time limit for the period an associate license is valid. Deletes existing text authorizing the executive council by rule to provide for the issuance of a temporary license. Makes a conforming change.

(b) Makes a conforming change to this subsection.

SECTION 10. Amends Section 505.3575, Occupations Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Provides that notwithstanding any other licensing requirement of Subchapter G (License Requirements):

(1) makes a nonsubstantive change to this subdivision;

(2) the executive council is authorized to waive the requirement that an applicant not otherwise described by Subdivision (1) (relating to an applicant who is licensed in good standing in another state) pass a licensing examination conducted by the executive council under Section 505.354 (Examination) if the applicant:

(A) is licensed in good standing in another state to independently practice as a social worker; and

(B) has independently practiced as a licensed social worker in that state for at least one year preceding the date the application is submitted; and

(3) authorizes the executive council to issue a license to an applicant who is currently licensed in another state to independently practice social work under certain circumstances, including if after an assessment, the executive council determines that the applicant demonstrates sufficient experience and competence, subject to Subsection (c).

Makes nonsubstantive changes.

(c) Provides that an applicant satisfies the requirements of Subsection (a)(3)(A)(i) (relating to licensing to an applicant who is currently licensed in another state to independently practice social work) if the applicant:

(1) is licensed in good standing in another state to independently practice as a social worker; and

(2) has independently practiced as a licensed social worker in that state for at least one year preceding the date the application is submitted.

SECTION 11. Makes application of this Act prospective.

SECTION 12. Effective date: September 1, 2021.