

**BILL ANALYSIS**

C.S.H.B. 2818  
By: Romero, Jr.  
Public Health  
Committee Report (Substituted)

**BACKGROUND AND PURPOSE**

Interested parties see a need to amend statutory provisions relating to marriage and family therapy to address concerns about the scope of practice of individuals providing such services. C.S.H.B. 2818 seeks to address these concerns by amending the applicable law.

**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. 2818 amends the Occupations Code to revise the specified conduct in the context of marriage or family systems that constitutes the practice of marriage and family therapy and to specify that the practice may include the use of the Diagnostic and Statistical Manual of Mental Disorders and the International Classification of Diseases. The bill establishes that the practice of marriage and family therapy does not constitute the practice of medicine and 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 a licensed marriage and family therapist associate.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2818 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	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Subchapter A, Chapter 502, Occupations Code, is amended by adding Section 502.0021 to read as follows: <u>Sec. 502.0021. PRACTICE OF</u>	SECTION 1. Section 502.002(6), Occupations Code, is amended to read as follows:

## MARRIAGE AND FAMILY THERAPY.

(a) In this section, "marriage and family therapy" means the provision of professional therapy services to individuals, families, or 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 assessment, 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 503.003, Occupations Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) The practice of professional counseling 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 assessment, 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.

(e) The practice of professional counseling does not include prescribing medication, treating a physical disease, or providing any service outside the scope of practice of a licensed professional counselor.

SECTION 3. Subchapter A, Chapter 504, Occupations Code, is amended by adding

(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, diagnostic assessment, and remediation of mental, cognitive, affective, behavioral, or relational dysfunction, disease, or disorder in the context of marriage or family systems and may include the use of the Diagnostic and Statistical Manual of Mental Disorders and the International Classification of Diseases.

The practice of marriage and family therapy does not constitute the practice of medicine and 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 a licensed marriage and family therapist associate.

No equivalent provision.

No equivalent provision.

Section 504.0011 to read as follows:  
Sec. 504.0011. PRACTICE OF  
CHEMICAL DEPENDENCY  
COUNSELING. (a) The practice of  
chemical dependency counseling 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 assessment, 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.  
(b) The practice of chemical dependency  
counseling does not include prescribing  
medication, treating a physical disease, or  
providing any service outside the scope of  
practice of a chemical dependency  
counselor.

SECTION 4. 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.

SECTION 5. Section 502.002(6), Occupations Code, is repealed.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each

No equivalent provision.

No equivalent provision.

SECTION 2. Same as introduced version.

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, 2017.