

## **BILL ANALYSIS**

H.B. 2898  
By: Gonzales, Larry  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Texas State Board of Examiners of Psychologists, the Texas State Board of Examiners of Marriage and Family Therapists, the Texas State Board of Examiners of Professional Counselors, and the Texas State Board of Social Worker Examiners license and regulate occupations that provide mental and behavioral health care in Texas. These boards are subject to the Texas Sunset Act and will be abolished on September 1, 2017, unless continued by the legislature. H.B. 2898 seeks to create the Texas Behavioral Health Executive Council and consolidate each board, as well as the Council on Sex Offender Treatment and the regulation of chemical dependency counselors, under the executive council. The bill also seeks to make several other statutory modifications recommended by the Sunset Advisory Commission.

### **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 rulemaking authority is expressly granted to the Texas Behavioral Health Executive Council in SECTIONS 1.001, 2.039, and 2.044 of this bill.

### **ANALYSIS**

H.B. 2898 amends the Occupations Code to create the Texas Behavioral Health Executive Council, subject the executive council to the Texas Sunset Act, and provide for the composition, operation, and duties of the executive council. The bill requires the executive council to administer and enforce statutory provisions relating to sex offender treatment, psychologists, marriage and family therapists, licensed professional counselors, chemical dependency counselors, and social workers. The bill establishes the executive council's rulemaking authority and procedures for disciplinary action.

H.B. 2898 transfers powers and duties, including rulemaking, from the applicable agencies for the licensing and regulation of certain mental and behavior health occupations to the executive council: from the Council on Sex Offender Treatment for sex offender treatment providers; from the Texas State Board of Examiners of Psychologists for psychologists, psychological associates, and licensed specialists in school psychology; from the Texas State Board of Examiners of Marriage and Family Therapists and the executive commissioner of the Health and Human Services Commission for marriage and family therapists; from the Texas State Board of Examiners of Professional Counselors for professional counselors; from the Department of State Health Services and the executive commissioner of the Health and Human Services Commission for chemical dependency counselors; and from the Texas State Board of Social Worker Examiners for social workers, including establishing specialty areas. The bill revises statutory provisions relating to the licensing and regulation of certain mental and behavior health

occupations. The bill requires the Texas Council on Sex Offender Treatment, Texas State Board of Examiners of Psychologists, Texas State Board of Examiners of Marriage and Family Therapists, Texas State Board of Examiners of Professional Counselors, and Texas State Board of Social Worker Examiners to propose a schedule of sanctions for violations of applicable statutes or rules and to propose rules to the executive council regarding the qualifications necessary to obtain a license, the scope of practice of and standards of care and ethical practice for the applicable profession, and continuing education requirements for license holders. The bill repeals statutory provisions subjecting the Texas State Board of Examiners of Psychologists, Texas State Board of Examiners of Marriage and Family Therapists, Texas State Board of Examiners of Professional Counselors, and Texas State Board of Social Worker Examiners to the Texas Sunset Act. The bill provides for the enactment of the Psychology Interjurisdictional Compact and sets out the provisions of the compact. The bill requires the executive council to establish an advisory board to provide advice and recommendations to the executive council on technical matters relevant to the administration of statutory provisions governing the licensure of chemical dependency counselors and exempts the advisory board from state law governing state agency advisory committees.

H.B. 2898 amends the Code of Criminal Procedure, Government Code, Health and Safety Code, Human Resources Code, Insurance Code, and Occupations Code to make changes to reflect the transfer of licensing and regulation of certain mental and behavior health occupations under the bill's provisions, including by revising the composition of certain committees or councils and the list of entities subject to certain requirements.

H.B. 2898 establishes the applicability of training requirements under the bill's provisions to applicable council or board members appointed before on, or, after the bill's effective date, requires the appropriate appointing entities to appoint members of the executive council not later than December 1, 2017, and sets out requirements for initial appointments. The bill establishes the Texas Behavioral Health Incubation Task Force to assist in the establishment of and transfer of regulatory programs to the executive council and provides for the composition and duties of the task force. The bill requires the executive council to hire an executive director not later than April 1, 2018, and to adopt procedural rules necessary to implement the bill's provisions relating to the executive council not later than July 31, 2018. The bill sets out requirements for a transition plan to provide for the orderly transfer of powers, duties, functions, programs, including certain full-time equivalent employee positions, and activities under the bill's provisions.

H.B. 2898 repeals the following provisions of the Government Code:

- Section 411.1105
- Section 411.1388

H.B. 2898 repeals the following provisions of the Occupations Code:

- Section 110.001(3-a)
- Subchapter C, Chapter 110
- Section 110.157
- Section 110.159
- Subchapter F, Chapter 110
- Section 110.307
- Section 110.308
- Section 110.352
- Section 110.353

- Section 110.354
- Subchapter J, Chapter 110
- Section 501.002(3)
- Section 501.005
- Subchapter C, Chapter 501
- Sections 501.151(a) and (b)
- Section 501.152
- Section 501.156
- Section 501.157
- Section 501.160
- Section 501.161
- Section 501.162
- Subchapter E, Chapter 501
- Sections 501.252(b), (c), and (d)
- Section 501.254
- Sections 501.256(e), (f), and (g)
- Section 501.2561
- Section 501.257
- Section 501.258
- Section 501.261(b)
- Section 501.302
- Section 501.303
- Section 501.304
- Section 501.402
- Section 501.403
- Section 501.404
- Section 501.405
- Section 501.406
- Section 501.409
- Section 501.410
- Subchapter J, Chapter 501
- Section 501.501
- Section 501.502
- Section 501.504
- Section 502.002(3)
- Section 502.003
- Subchapter C, Chapter 502

- Section 502.152
- Section 502.153
- Section 502.154
- Section 502.156
- Section 502.1565
- Section 502.158
- Section 502.161
- Section 502.162
- Section 502.163
- Subchapter E, Chapter 502
- Section 502.255
- Section 502.256
- Sections 502.301(b), (c), (d), and (e)
- Section 502.302
- Section 502.303
- Section 502.352
- Section 502.353
- Section 502.354
- Section 502.355
- Section 502.356
- Subchapter I, Chapter 502
- Section 502.451
- Section 502.452
- Section 502.453
- Section 502.455
- Section 503.005
- Subchapter D, Chapter 503
- Section 503.202
- Section 503.203
- Section 503.204
- Section 503.2045
- Section 503.205
- Section 503.209
- Section 503.210
- Section 503.211
- Subchapter F, Chapter 503
- Section 503.306

- Section 503.307
- Section 503.354
- Section 503.355
- Section 503.356
- Sections 503.401(b), (c), and (d)
- Section 503.402
- Section 503.403
- Section 503.404
- Section 503.405
- Section 503.406
- Section 503.451
- Section 503.454
- Subchapter K, Chapter 503
- Sections 504.001(5) and (7)
- Section 504.0515
- Section 504.053
- Section 504.054
- Section 504.056
- Subchapter C, Chapter 504
- Section 504.157
- Section 504.161
- Section 504.203
- Section 504.204
- Section 504.205(a)
- Section 504.252
- Sections 504.2525(b) and (c)
- Section 504.253
- Section 504.254
- Subchapter G, Chapter 504
- Subchapter H, Chapter 504
- Section 505.005
- Section 505.110
- Subchapter C, Chapter 505
- Section 505.202
- Section 505.203
- Section 505.204
- Section 505.209

- Section 505.210
- Section 505.211
- Subchapter E, Chapter 505
- Section 505.355
- Section 505.356
- Section 505.402
- Section 505.403
- Section 505.404
- Section 505.452
- Section 505.453
- Section 505.454(b)
- Section 505.455
- Section 505.456
- Section 505.457
- Section 505.501
- Section 505.503
- Section 505.504
- Section 505.508
- Subchapter K, Chapter 505

**EFFECTIVE DATE**

September 1, 2017.