

BILL ANALYSIS

C.S.H.B. 3626
By: Romero, Jr.
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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. C.S.H.B. 3626 seeks to streamline this process by updating certain licensing requirements for marriage and family therapists, marriage and family therapist associates, professional counselors, and professional counselor associates, including certain out-of-state applicants.

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 State Board of Examiners of Marriage and Family Therapists in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 3626 amends the Occupations Code to clarify the respective roles of the Texas Behavioral Health Executive Council (BHEC) and applicable professional licensing boards in the licensure and licensure reciprocity process for marriage and family therapists and professional counselors. Among other changes specifying that certain powers and duties lie with the licensing boards instead of the BHEC, the bill specifies that the minimum number of hours providing direct clinical services to couples or families that is required for a marriage and family therapist license is determined by rule of the Texas State Board of Examiners of Marriage and Family Therapists.

C.S.H.B. 3626 exempts a marriage and family therapist license applicant who is licensed in good standing in another state to independently practice as such a therapist and who has independently practiced in that state before the date the application is submitted from the following licensing requirements:

- the requirement to have completed, after receipt of the requisite degree, two years of work experience in marriage and family therapist services that satisfies certain clinical practice requirements; and
- the requirement to have completed at least 200 hours of supervised provision of direct clinical services by the applicant, 100 hours of which must be supervised on an individual basis.

The bill authorizes the Texas State Board of Examiners of Marriage and Family Therapists to waive the requirement that such an applicant pass the required license examination. An applicant

who practiced as a licensed marriage and family therapist associate in another state may count that out-of-state experience toward the specified work experience and supervision hour requirements if the applicant is licensed in good standing as such an associate in that state and the board determines that the experience is acceptable based on a review by a licensed supervisor in Texas. The bill extends eligibility for a provisional license to an applicant who is licensed as a marriage and family therapist associate in another state or jurisdiction and who meets other applicable requirements.

C.S.H.B. 3626 exempts an applicant for a professional counselor license who meets the following criteria from the requirement to have completed the number of supervised experience hours required by BHEC rule:

- the applicant is licensed in good standing in another state to independently practice as a professional counselor or as an art therapist; and
- the applicant has independently practiced as such in that state for at least the two years preceding the date the application is submitted.

The BHEC may waive the requirement that an applicant pass the required license examination if the applicant meets such criteria, but the applicant is still required to pass the jurisprudence examination. With respect to the requirement that an applicant's academic course work include 300 clock hours of supervised practicum, the bill clarifies that the number of required hours is at least 300.

C.S.H.B. 3626 revises provisions relating to a professional counselor license holder's ability to count out-of-state experience toward any experience the license holder is required to obtain to act as a supervisor if the other state has license requirements substantially equivalent to those in Texas by removing the role of the BHEC in determining that the requirements are equivalent.

C.S.H.B. 3626 replaces the authorization for the BHEC by rule to provide for the issuance of a temporary professional counselor license with an authorization for the board to establish and the BHEC to provide for the issuance of an associate professional counselor license.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3626 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include changes that were in the original relating to license reciprocity for psychologists and social workers.

The substitute includes changes that were not in the original relating to the respective roles of the BHEC and applicable professional licensing boards in the licensure and licensure reciprocity process for marriage and family therapists and professional counselors, including a change that provides for a certain qualification to be adopted by rule of the Texas State Board of Examiners of Marriage and Family Therapists, instead of the BHEC.

Both the original and substitute include an exemption from certain marriage and family therapist license requirements for an applicant who is licensed to practice independently in another state. However, the original conditioned the exemption on the applicant having independently practiced in that state for at least the two years preceding the date of application, whereas the substitute conditions the exemption on the applicant having practiced in that state any time before the date of application.

The substitute includes the following provisions that were not in the original relating to marriage and family therapist associates:

- an authorization for a marriage and family therapist license applicant who practiced as a licensed marriage and family therapist associate in another state to count the out-of-state experience toward the work experience and supervision hour requirements under specified conditions; and
- a provision extending eligibility for a provisional license to certain applicants who are licensed as a marriage and family therapist associate in another state or jurisdiction.

The substitute includes a change not in the original that clarifies how many clock hours of supervised practicum are required as part of the academic course work requirements for a professional counselor license.

The substitute includes a change not in the original that removes the role of the BHEC in determining whether a professional counselor license holder qualifies to count out-of-state experience toward experience requirements for supervisors.

The substitute includes a change not in the original that provides for the issuance of associate licenses for professional counselors instead of temporary licenses.