

BILL ANALYSIS

Senate Research Center
85R8323 MAW-D

S.B. 114
By: Hinojosa; Taylor, Van
Health & Human Services
8/3/2017
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Sunset Advisory Commission (Sunset) reviewed four licensing boards responsible for regulating occupations that provide mental and behavioral health services. These boards include the Texas Board of Examiners of Psychologists, which is an independent state agency, and the 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, which are administratively attached to the Department of State Health Services (DSHS).

Sunset found serious, ongoing, and systemic problems relating to questionable board practices and ineffective administrative process at the three boards at DSHS. In particular, the boards' enforcement processes are broken. Each board takes an average of two to three years to resolve a complaint, and collectively the boards had amassed an alarming backlog of more than 850 complaints.

Based on these findings, Sunset recommends consolidating these boards with the Psychology Board to form the Texas Behavioral Health Executive Council (BHEC). As an umbrella licensing agency, BHEC would handle licensing, investigative, and enforcement matters for behavioral health occupations in a more efficient functional approach. Specifically, SB 114:

- Consolidates the licensing and regulation of mental and behavioral health occupations into a new umbrella licensing agency to improve regulation and increase operational efficiencies.
- Creates BHEC by merging the:
 - Board of Examiners of Psychologists;
 - Board of Examiners of Professional Counselors;
 - Board of Examiners of Marriage and Family Therapists;
 - Board of Social Worker Examiners;
 - Council on Sex Offender Treatment; and
 - Licensed Chemical Dependency Counselors.
- Retains each governor-appointed board and its responsibility to establish all standards relating to licensing and regulating its profession, including originating all rules related to standards of care and practice.
- Requires each board to appoint one of its professional members and one of its public members to serve with a public member appointed by the governor on the nine-member executive council of BHEC. Authorizes the executive council to direct BHEC's operations and standardize regulatory procedures to gain efficiencies and economies of scale.

- Improves the effectiveness and fairness of behavioral health enforcement processes.
- Requires the boards to prioritize and timely resolve complaints, streamline enforcement activities, and ensure due process and confidentiality for involved parties.
- Removes board member involvement in complaint investigations by abolishing unnecessary committees and establishing recusal policies.
- Removes unnecessary and burdensome licensure requirements that create barriers to entry.
- Eliminates the subjective oral examination and duplicative post-doctoral supervision requirements for psychologists, as well as other overly bureaucratic paperwork requirements.
- Updates licensing and enforcement processes that have not kept up with best practices.
- Requires fingerprint-based criminal background checks of all applicants and licensees.
- Authorizes the agency to check for disciplinary actions in other states or from other licensing boards.
- Removes the statutory limitation on the boards' authority to lower fees.

As proposed, S.B. 114 amends current law relating to the creation of the Texas Behavioral Health Executive Council and to the continuation and transfer of the regulation of sex offender treatment providers, psychologists, marriage and family therapists, professional counselors, chemical dependency counselors, and social workers to the Texas Behavioral Health Executive Council; provides civil and administrative penalties; and authorizes a fee.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Behavioral Health Executive Council (TBHEC) in SECTION 1.001 (Sections 506.152, 506.153, 506.156, 506.202, 506.204, 506.253, 506.304, 506.305, 506.306, and 506.404, Occupations Code), SECTION 2.039 (Section 501.301, Occupations Code), SECTION 2.044 (Section 501.411, Occupations Code), and SECTION 4.006 of this bill.

Rulemaking authority is expressly granted to the Psychology Interjurisdictional Compact Commission (commission) in SECTION 2.046 (Section 501.601, Occupations Code) of this bill.

Rulemaking authority previously granted to the Texas Council on Sex Offender Treatment (TCSOT) is transferred to TBHEC in SECTION 2.009 (Sections 110.171, 110.173, and 110.175, Occupations Code), SECTION 2.011 (Section 110.302, Occupations Code), and SECTION 2.014 (Section 110.305, Occupations Code) of this bill.

Rulemaking authority previously granted to the Texas State Board of Examiners of Psychologists (TSBEP) is transferred to TBHEC in SECTION 2.032 (Section 501.253, Occupations Code), SECTION 2.035 (Section 501.260, Occupations Code), SECTION 2.037 (Section 501.263, Occupations Code) and SECTION 2.039 (Section 501.301, Occupations Code) of this bill.

Rulemaking authority previously granted to the Texas State Board of Examiners of Marriage and Family Therapists (BMFT) is transferred to TBHEC in SECTION 2.061 (Section 502.2541, Occupations Code), SECTION 2.062 (Section 502.2545, Occupations Code), SECTION 2.064 (Section 502.258, Occupations Code), SECTION 2.066 (Section 502.260, Occupations Code) of this bill.

Rulemaking authority previously granted to the Texas State Board of Examiners of Professional Counselors (TSBEPC) is transferred to TBHEC in SECTION 2.080 (Section 503.201, Occupations Code), SECTION 2.088 (Section 503.3055, Occupations Code), SECTION 2.089

(Section 503.308, Occupations Code), and SECTION 2.093 (Section 503.313, Occupations Code) of this bill.

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission (executive commissioner) is transferred to TBHEC in SECTION 2.104 (Section 504.051, Occupations Code), SECTION 2.113 (Section 504.1521, Occupations Code), and SECTION 2.121 (Section 504.201, Occupations Code) of this bill.

Rulemaking authority previously granted to the Texas State Board of Social Worker Examiners (TSBSWE) is transferred to TBHEC in SECTION 2.136 (Section 505.201, Occupations Code), SECTION 2.141 (Section 505.302, Occupations Code), SECTION 2.150 (Section 505.3545, Occupations Code), and SECTION 2.155 (Section 505.401, Occupations Code) of this bill.

Rulemaking authority previously granted to TCSOT is rescinded in SECTION 2.009 (Section 110.174, Occupations Code) and SECTION 2.164 (Section 110.253, Occupations Code) of this bill.

Rulemaking authority previously granted to the executive commissioner is rescinded SECTION 2.060 (Section 502.254, Occupations Code), SECTION 2.106 (Section 504.055, Occupations Code), SECTION 2.118 (Section 504.158, Occupations Code), and SECTION 2.164 (Sections 504.053, 504.157, 504.161, and 504.205, Occupations Code) of this bill.

Rulemaking authority previously granted to TSBEP is rescinded in SECTION 2.164 (Sections 501.151, 501.152, 501.157, 501.202, 501.204, 501.256, 501.2561, 501.304, 501.402, 501.404, 501.410, and 501.504, Occupations Code) of this bill.

Rulemaking authority previously granted to TMFT is rescinded in SECTION 2.164 (Sections 502.152, 502.153, 502.1565, 502.158, 502.202, 502.204, 502.303, 502.353, 502.355, and 502.452, Occupations Code) of this bill.

Rulemaking authority previously granted to TSBEP is rescinded in SECTION 2.164 (Sections 503.202, 503.203, 503.2045, 503.209, 503.252, 503.254, 503.356, 503.402, 503.404, 503.405, and 503.502 Occupations Code) of this bill.

Rulemaking authority previously granted to TSBSWE is rescinded in SECTION 2.136 (Section 505.201, Occupations Code) and SECTION 2.164 (Sections 505.203, 505.204, 505.209, 505.252, 505.254, 505.356, 505.404, 505.456, 505.457, 505.501, and 505.552, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. CREATION OF THE TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

SECTION 1.001. Amends Subtitle I, Title 3, Occupations Code, by adding Chapter 506, as follows:

CHAPTER 506. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 506.001. DEFINITIONS. Defines "executive council," "license," "marriage and family therapy board," "professional counseling board," "psychology board," and "social work board."

Sec. 506.002. APPLICATION OF SUNSET ACT. Provides that the Texas Behavioral Health Executive Council (TBHEC) is subject to Chapter 325 (Sunset Law), Government Code (Texas Sunset Act). Provides that unless continued in existence as provided by that chapter, TBHEC is abolished and Chapter 110 (Council on Sex Offender Treatment) and this subtitle expire September 1, 2029.

SUBCHAPTER B. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

Sec. 506.051. EXECUTIVE COUNCIL MEMBERSHIP. (a) Provides that TBHEC consists of nine certain members.

(b) Requires that appointments to TBHEC be made without regard to the race, color, disability, sex, age, religion, or national origin of the appointee.

Sec. 506.052. ELIGIBILITY OF PUBLIC MEMBER APPOINTED BY GOVERNOR. Provides that a person is not eligible for appointment by the governor as a public member of TBHEC if the person or the person's spouse meet certain conditions.

Sec. 506.053. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a) Defines "Texas trade association."

(b) Prohibits a person from being a member of TBHEC and from being a TBHEC employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) if certain conditions are met.

(c) Prohibits a person from being a member of TBHEC or acting as the general counsel to TBHEC if the person is required to register as a lobbyist under Chapter 305 (Registration of Lobbyists), Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of TBHEC or certain boards.

Sec. 506.054. TERMS; VACANCY. (a) Provides that the member appointed by the governor serves a six-year term. Provides that the remaining members serve two-year terms with the terms of four of those members expiring February 1 of each year.

(b) Provides that a member appointed to fill a vacancy holds office for the unexpired portion of the term.

Sec. 506.055. PRESIDING OFFICER. Provides that the member appointed by the governor is the presiding officer of TBHEC.

Sec. 506.056. GROUNDS FOR REMOVAL. (a) Sets forth certain grounds for removal from TBHEC for a member.

(b) Provides that the validity of an action of TBHEC is not affected by the fact that it is taken when a ground for removal of a TBHEC member exists.

(c) Requires the executive director of TBHEC (executive director) to, if the executive director has knowledge that a potential ground for removal exists, notify the presiding officer of TBHEC of the potential ground. Requires the presiding officer to notify the appointing authority and the Texas attorney general (attorney general) that a potential ground for removal exists. Requires the executive director to, if the potential ground for removal involves the presiding officer, notify the next highest ranking officer of TBHEC who is required to then notify the appointing authority and the attorney general that a potential ground for removal exists.

Sec. 506.057. REIMBURSEMENT. Authorizes a member of TBHEC to receive reimbursement for travel expenses as provided by the General Appropriations Act.

Sec. 56.058. MEETINGS. (a) Requires TBHEC to hold at least two regular meetings each year.

(b) Authorizes TBHEC to hold additional meetings on the request of the presiding officer or on the written request of three members of TBHEC.

Sec. 506.059. TRAINING. (a) Prohibits a person who is appointed to and qualifies for office as a member of TBHEC from voting, deliberating, or being counted as a member in attendance at a meeting of TBHEC until the person completes a training program that complies with this section.

(b) Requires that the training program provide the person with certain information.

(c) Provides that a person appointed to TBHEC is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

(d) Requires the executive director to create a training manual that includes the information required by Subsection (b). Requires the executive director to distribute a copy of the training manual annually to each TBHEC member. Requires each TBHEC member to, on receipt of the training manual, sign and submit to the executive director a statement acknowledging receipt of the training manual.

SUBCHAPTER C. EXECUTIVE DIRECTOR AND OTHER PERSONNEL

Sec. 506.101. EXECUTIVE DIRECTOR; PERSONNEL. Requires TBHEC to employ an executive director and other personnel as necessary to administer this chapter and carry out the functions of TBHEC.

Sec. 506.102. DIVISION OF RESPONSIBILITIES. Requires TBHEC to develop and implement policies that clearly separate the policymaking responsibilities of TBHEC and the management responsibilities of the executive director and the staff of TBHEC.

Sec. 506.103. CAREER LADDER PROGRAM; PERFORMANCE EVALUATIONS. (a) Requires the executive director or the executive director's designee to develop an intra-agency career ladder program. Requires that the program require intra-agency posting of all nonentry level positions concurrently with any public posting.

(b) Requires the executive director or the executive director's designee to develop a system of annual performance evaluations based on measurable job tasks. Requires that all merit pay for TBHEC employees be based on the system established under this subsection.

Sec. 506.104. EQUAL OPPORTUNITY POLICY; REPORT. (a) Requires the executive director or the executive director's designee to prepare and maintain a written policy statement to ensure implementation of an equal opportunity program under which all personnel transactions are made without regard to race, color, disability, sex, age, religion, or national origin. Requires that the policy statement include certain information.

(b) Requires that a policy statement prepared under Subsection (a) meet certain requirements.

(c) Requires the governor to deliver a biennial report to the legislature based on information received under Subsection (b). Authorizes the report to be made separately or as part of other biennial reports made to the legislature.

SUBCHAPTER D. POWERS AND DUTIES

Sec. 506.151. GENERAL POWERS AND DUTIES. Requires TBHEC to administer and enforce Chapter 110 and this subtitle.

Sec. 506.152. GENERAL RULEMAKING AUTHORITY. Requires TBHEC to adopt rules as necessary to perform its duties and implement this chapter.

Sec. 506.153. LIMITATION REGARDING CERTAIN RULES. (a) Prohibits TBHEC from adopting certain rules or schedules unless the rule has been proposed by the applicable council or board for a profession regulated by TBHEC under Chapter 110, 501 (Psychologists), 502 (Marriage and Family Therapists), 503 (Licensed Professional Counselors), or 505 (Social Workers).

(b) Requires TBHEC to either adopt the rule as proposed or return the rule to the applicable council or board for revision, for each rule proposed under Subsection (a). Requires TBHEC to include an explanation of TBHEC's reasons for not adopting the rule as proposed on the return of a rule under this subsection.

(c) Provides that TBHEC retains authority for final adoption of all rules and is responsible for ensuring compliance with all laws regarding the rulemaking process.

(d) Requires TBHEC to adopt rules prescribing the procedure by which rules described by Subsection (a) may be proposed to TBHEC.

Sec. 506.154. FEES. Requires TBHEC to set fees in amounts reasonable and necessary to cover the costs of administering Chapter 110 and this subtitle, including certain fees.

Sec. 506.155. RULES RESTRICTING ADVERTISING OR COMPETITIVE BIDDING. (a) Prohibits TBHEC from adopting rules restricting advertising or competitive bidding by a person regulated by TBHEC except to prohibit false, misleading, or deceptive practices.

(b) Prohibits TBHEC from including in rules to prohibit false, misleading, or deceptive practices by a person regulated by TBHEC a rule that meets certain criteria.

Sec. 506.156. RULES ON CONSEQUENCES OF CRIMINAL CONVICTION. Requires TBHEC to adopt rules and guidelines as necessary to comply with Chapter 53 (Consequences of Criminal Conviction).

Sec. 506.157. CONTINUING EDUCATION. Requires TBHEC to recognize, prepare, or administer continuing education programs for license holders. Requires a license holder to participate in the programs to the extent required by TBHEC to keep the person's license.

Sec. 506.158. USE OF TECHNOLOGY. Requires TBHEC to implement a policy requiring TBHEC to use appropriate technological solutions to improve TBHEC's ability to perform its functions. Requires that the policy ensure that the public is able to interact with TBHEC on the Internet.

Sec. 506.159. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION POLICY. (a) Requires TBHEC to develop a policy to encourage the use of certain negotiated rulemaking and appropriate alternative dispute resolution (ADR) procedures.

(b) Requires that TBHEC's procedures relating to ADR conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings (SOAH) for the use of ADR by state agencies.

(c) Requires TBHEC to take certain actions.

SUBCHAPTER E. PUBLIC INTEREST INFORMATION AND COMPLAINT PROCEDURES

Sec. 506.201. PUBLIC INTEREST INFORMATION. (a) Requires TBHEC to prepare information of public interest describing the functions of TBHEC and the procedures by which complaints are filed with and resolved by TBHEC.

(b) Requires TBHEC to make the information available to the public and appropriate state agencies.

Sec. 506.202. COMPLAINTS. (a) Requires TBHEC, by rule, to establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of TBHEC for the purpose of directing complaints to TBHEC. Authorizes TBHEC to provide for that notice via certain mediums.

(b) Requires TBHEC to list with its regular telephone number any toll-free telephone number established under other state law that may be called to present a complaint about a person regulated by TBHEC.

Sec. 506.203. INFORMATION ABOUT COMPLAINT ACTIONS. (a) Requires TBHEC to maintain a system to promptly and efficiently act on complaints filed with TBHEC. Requires TBHEC to maintain certain information.

(b) Requires TBHEC to make information available describing its procedures for complaint investigation and resolution.

(c) Requires TBHEC to periodically notify the parties to a complaint of the status of the complaint until final disposition of the complaint.

Sec. 506.204. GENERAL RULES REGARDING COMPLAINT INVESTIGATION. (a) Requires TBHEC to adopt rules concerning the investigation of a complaint filed with TBHEC. Requires that the rules adopted under this section meet certain criteria.

(b) Requires TBHEC to dispose of a complaint in a timely manner and establish a certain schedule for conducting each phase of a complaint disposition.

(c) Requires TBHEC to notify the parties to a complaint of the projected time requirements for pursuing the complaint.

(d) Requires TBHEC to notify the parties to the complaint of any change in the schedule not later than a certain date.

(e) Requires the executive director to notify TBHEC of a complaint that is unresolved after a certain time so that TBHEC may take necessary action on the complaint.

(f) Requires TBHEC to assign priorities and investigate complaints based on certain criteria.

Sec. 506.205. CONFIDENTIALITY OF COMPLAINT INFORMATION. (a) Provides that, except as provided by Subsection (b), a complaint and investigation and all information and materials compiled by TBHEC in connection with the complaint and investigation are not subject to certain disclosures or certain legal compulsions for release of information to any person.

(b) Authorizes a complaint or investigation subject to Subsection (a) and all information and materials compiled by TBHEC in connection with the complaint to be disclosed to certain entities.

(c) Requires TBHEC to provide the license holder with access to all information that TBHEC intends to offer into evidence at the hearing not later than a certain date unless good cause for delay is shown to the presiding officer at the hearing.

(d) Requires TBHEC to protect the identity of any patient whose records are examined in connection with a disciplinary investigation or proceeding against a license holder, except a patient who takes certain actions.

Sec. 506.206. SUBPOENAS. (a) Authorizes the executive director or presiding officer of TBHEC to, in the investigation of a complaint filed with TBHEC, issue a subpoena to compel the attendance of a relevant witness or the production, for inspection or copying, of relevant evidence that is in this state.

(b) Authorizes a subpoena to be served personally or by certified mail.

(c) Authorized TBHEC, acting through the attorney general, to file suit to enforce the subpoena in a district court in Travis County or in the county in which a hearing conducted by TBHEC may be held, if a person fails to comply with a subpoena.

(d) Requires the court to order the person to comply with the subpoena on finding that good cause exists for issuing the subpoena. Authorizes the court to punish a person who fails to obey the court order.

(e) Requires TBHEC to pay a reasonable fee for photocopies subpoenaed under this section in an amount not to exceed a certain amount.

(f) Provides that the reimbursement of the expenses of a witness whose attendance is compelled under this section is governed by Section 2001.103 (Expenses of Witness or Deponent), Government Code.

(g) Authorizes information and materials subpoenaed or compiled by TBHEC in connection with the investigation of a complaint to be disclosed only as provided by Section 506.205.

Sec. 506.207. PUBLIC PARTICIPATION. Requires TBHEC to develop and implement policies that provide the public with a reasonable opportunity to appear before TBHEC and to speak on any issue under the jurisdiction of TBHEC.

SUBCHAPTER F. GENERAL LICENSING PROVISIONS

Sec. 506.251. CRIMINAL HISTORY RECORD INFORMATION FOR LICENSE ISSUANCE. (a) Requires TBHEC to require that an applicant for a license submit a complete and legible set of fingerprints, on a form prescribed by TBHEC, to TBHEC or to the Texas Department of Public Safety (DPS) for the purpose of obtaining criminal history record information from DPS and the Federal Bureau of Investigation.

(b) Prohibits TBHEC from issuing a license to a person who does not comply with the requirement of Subsection (a).

(c) Requires TBHEC to conduct a criminal history record information check of each applicant for a license using certain information.

(d) Authorizes TBHEC to enter into certain agreements with DPS and to authorize DPS to collect certain costs from each applicant.

Sec. 506.252. EXAMINATION RESULTS. (a) Requires TBHEC to notify each examinee of the results of an examination not later than the 30th day after the date the examination is administered. Requires TBHEC to notify each examinee of the results of the examination not later than the 14th day after the date TBHEC receives the results

from the testing service, if an examination is graded or reviewed by a national testing service.

(b) Requires TBHEC to notify each examinee of the reason for the delay before the 90th day if the notice of examination results graded or reviewed by a national testing service will be delayed for longer than 90 days after the examination date.

(c) Requires TBHEC to provide to the person an analysis of the person's performance on the examination if requested in writing by a person who fails an examination.

Sec. 506.253. REEXAMINATION. Requires TBHEC, by rule, to establish certain limits on and requirements for retaking the examination.

Sec. 506.254. LICENSE RENEWAL. (a) Authorizes a person who is otherwise eligible to renew a license to renew an unexpired license by paying the required renewal fee to TBHEC before the expiration date of the license.

(b) Authorizes the person to renew the license by paying to TBHEC a fee in an amount equal to one and one-half times the required renewal fee, if the person's license has been expired for 90 days or less.

(c) Authorizes the person to renew the license by paying to TBHEC a fee in an amount equal to two times the required renewal fee, if the person's license has been expired for more than 90 days but less than one year.

(d) Prohibits the person from renewing the license if the person's license has been expired for one year or more. Authorizes the person to obtain a new license by submitting to reexamination and complying with the requirements and procedures for obtaining an original license.

Sec. 506.255. RENEWAL OF EXPIRED LICENSE OF OUT-OF-STATE PRACTITIONER. (a) Authorizes TBHEC to renew without reexamination an expired license of a person who was licensed in this state, moved to another state, and is currently licensed and has been in practice in the other state for the two years preceding the date the person applies for renewal.

(b) Requires the person to pay to TBHEC a fee in an amount equal to two times the required renewal fee for the license.

Sec. 506.256. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR LICENSE RENEWAL. (a) Requires an applicant renewing a license issued under this chapter to submit a complete and legible set of fingerprints for purposes of performing a criminal history record information check of the applicant as provided by Section 506.251.

(b) Authorizes TBHEC to administratively suspend or refuse to renew the license of a person who does not comply with the requirement of Subsection (a).

(c) Provides that a license holder is not required to submit fingerprints under this section for the renewal of a license if the license holder has previously submitted fingerprints under Section 506.251 for the initial issuance of the license or this section as part of a prior license renewal.

Sec. 506.257. SEARCH OF NATIONAL PRACTITIONER DATABASE. Requires TBHEC to establish a process to search at least one national practitioner database to determine whether another state has taken any disciplinary or other legal action against an applicant or license holder before issuing an initial or renewal license.

SUBCHAPTER G. DISCIPLINARY ACTIONS AND PROCEDURES

Sec. 506.301. DISCIPLINARY ACTIONS. (a) Authorizes TBHEC to deny, revoke, suspend, or refuse to renew a license or to reprimand a license holder if the applicant or license holder violates this chapter or certain laws, statutes, or rules.

(b) Authorizes TBHEC to place on probation a person whose license is suspended. Authorizes TBHEC to require the person to take certain actions if a license suspension is probated.

Sec. 506.302. TEMPORARY SUSPENSION. (a) Requires TBHEC or a three-member committee of TBHEC members designated by TBHEC to temporarily suspend the license of a license holder if TBHEC or the committee determines from the evidence or information presented to it that continued practice by the license holder would constitute a continuing and imminent threat to the public welfare.

(b) Authorizes a license to be suspended under this section without notice or hearing on the complaint if certain conditions are met.

(c) Requires SOAH to hold a preliminary hearing not later than the 14th day after the date of the temporary suspension to determine if there is probable cause to believe that a continuing and imminent threat to the public welfare still exists. Requires that a final hearing on the matter be held not later than the 61st day after the date of the temporary suspension.

Sec. 506.303. HEARING; ADMINISTRATIVE PROCEDURE. (a) Provides that a license holder is entitled to a hearing before SOAH before a sanction is imposed under this subchapter.

(b) Provides that a proceeding under this subchapter is governed by Chapter 2001 (Administrative Procedure), Government Code.

Sec. 506.304. SCHEDULE OF SANCTIONS. (a) Requires TBHEC, by rule, to adopt a broad schedule of sanctions.

(b) Requires SOAH to use the schedule for any sanction imposed under this subchapter as the result of a hearing conducted by SOAH.

Sec. 506.305. INFORMAL PROCEEDINGS. (a) Requires TBHEC, by rule, to adopt procedures governing certain informal dispositions and proceedings.

(b) Requires that rules adopted under this section meet certain criteria.

Sec. 506.306. ASSISTANCE IN DISCIPLINARY PROCEEDINGS. Requires TBHEC to adopt rules establishing the manner in which TBHEC will solicit input from and request the assistance of the applicable council or board for a profession regulated by TBHEC under Chapter 110, 501, 502, 503, or 505, regarding a disciplinary proceeding before TBHEC involving an issue or complaint related to standards of care or ethical practice.

SUBCHAPTER H. ADMINISTRATIVE PENALTY

Sec. 506.351. IMPOSITION OF ADMINISTRATIVE PENALTY. Authorizes TBHEC to impose an administrative penalty on a person licensed or regulated by TBHEC if the person violates this chapter, a law regulating the applicable profession, or a TBHEC rule.

Sec. 506.352. AMOUNT OF PENALTY. (a) Prohibits the amount of an administrative penalty from exceeding \$5,000 for each violation. Provides that each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

(b) Requires that the amount of the penalty be based on certain factors.

Sec. 506.353. NOTICE OF VIOLATION AND PENALTY. Requires TBHEC to give written notice of the violation to the person alleged to have committed the violation if TBHEC determines that a violation occurred. Authorizes the notice to be given by certified mail. Requires that the notice include certain information.

Sec. 506.354. PENALTY TO BE PAID OR HEARING REQUESTED. (a) Authorizes the person to, in writing, take certain actions not later than the 20th day after the date the person receives the notice under Section 506.353.

(b) Requires TBHEC to issue an order and impose the recommended penalty if the person accepts TBHEC's determination and recommended penalty.

Sec. 506.355. HEARING. (a) Requires TBHEC to set a hearing and give written notice of the hearing to the person if the person requests a hearing or fails to respond in a timely manner to the notice under Section 506.353.

(b) Requires an administrative law judge of SOAH to hold the hearing.

(c) Requires the administrative law judge to make findings of fact and conclusions of law and promptly issue to TBHEC a proposal for a decision as to the occurrence of the violation and the amount of any proposed administrative penalty.

Sec. 506.356. DECISION BY EXECUTIVE COUNCIL. (a) Authorized TBHEC, by order, to make certain determinations based on the findings of fact, conclusions of law, and proposal for a decision.

(b) Requires TBHEC to give notice of the order to the person. Requires that the notice include a statement of the right of the person to judicial review of the order.

Sec. 506.357. OPTIONS FOLLOWING DECISION: PAY OR APPEAL. (a) Requires the person to pay the administrative penalty or file a certain petition not later than the 30th day after the date TBHEC's order becomes final.

(b) Authorizes a person who files a petition for judicial review to stay enforcement of the penalty by taking certain actions or request the court to stay enforcement of the penalty by taking certain actions within the 30-day period prescribed by Subsection (a).

(c) Authorizes TBHEC to file with the court a contest to the affidavit not later than the fifth day after the date the copy is received, if TBHEC receives a copy of a certain affidavit.

(d) Requires the court to hold a hearing on the facts alleged in the affidavit as soon as practicable and to stay the enforcement of the penalty on finding that the alleged facts are true. Provides that the person who files the affidavit has the burden of proving that the person is financially unable to pay the penalty or to give a supersedeas bond.

Sec. 506.358. COLLECTION OF PENALTY. Authorizes TBHEC to refer the matter to the attorney general for collection of the penalty if the person does not pay the administrative penalty and enforcement of the penalty is not stayed.

Sec. 506.359. DETERMINATION BY COURT. (a) Authorizes the court to uphold or reduce the amount of the administrative penalty and order the person to pay the full or reduced amount of the penalty if the court sustains the determination that a violation has occurred.

(b) Requires the court to order that a penalty is not owed if the court does not sustain the determination that a violation occurred.

Sec. 506.360. REMITTANCE OF PENALTY AND INTEREST. (a) Requires the court, if, after judicial review, the administrative penalty is reduced or not imposed by the court, to, after the judgment becomes final, order that a certain amount be remitted to the person if the person paid the penalty or order the release of the bond under certain circumstances.

(b) Provides that the interest paid is the rate charged on loans to depository institutions by the New York Federal Reserve Bank. Requires that the interest be paid for the period beginning on the date the penalty is paid and ending on the date the penalty is remitted.

Sec. 506.361. ADMINISTRATIVE PROCEDURE. Provides that a proceeding under this subchapter is subject to Chapter 2001, Government Code.

SUBCHAPTER I. OTHER PENALTIES AND ENFORCEMENT PROVISIONS

Sec. 506.401. INJUNCTION. (a) Authorizes TBHEC to institute an action to enjoin a violation of this chapter, a law regulating the applicable profession, or a TBHEC rule, in addition to any other action authorized by law.

(b) Requires that an action filed under this section be filed in Travis County, the county of the defendant's residence, or the county in which any part of the violation occurred.

(c) Requires the attorney general or the appropriate county or district attorney to represent TBHEC in an action under this section.

Sec. 506.402. CIVIL PENALTY. (a) Provides that a person who violates this chapter, a law regulating the applicable profession, or a TBHEC rule is liable to the state for a civil penalty not to exceed \$1,000 for each day of violation.

(b) Requires the attorney general to bring an action to recover a civil penalty authorized under this section at the request of TBHEC.

Sec. 506.403. CEASE AND DESIST ORDER. (a) Authorized TBHEC, after notice and opportunity for a hearing, to issue a cease and desist order prohibiting the person from engaging in the activity, if it appears to TBHEC that an unlicensed person is violating this chapter, a law regulating the applicable profession, or a TBHEC rule.

(b) Provides that a violation of an order under this section constitutes grounds for imposing an administrative penalty under Subchapter H.

Sec. 506.404. MONITORING OF LICENSE HOLDER. Requires TBHEC, by rule, to develop a system to monitor a license holder's compliance with applicable laws and TBHEC rules. Requires that rules adopted under this section include certain procedures.

ARTICLE 2. TRANSFER OF LICENSING PROGRAMS TO TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

SECTION 2.001. Amends Sections 110.001(3) and (7), Occupations Code, as follows:

(3) Defines "executive council" and deletes existing definition of "department."

(7) Redefines "sex offender treatment provider."

SECTION 2.002. Amends Section 110.051(a), Occupations Code, as follows:

(a) Provides that the Texas Council on Sex Offender Treatment (TCSOT) is administratively attached to TBHEC, rather than provides that TCSOT is within the Department of State Health Services (DSHS). Requires TBHEC to provide the staff and facilities necessary to perform the duties of TCSOT under this chapter or other law.

SECTION 2.003. Amends Sections 110.053(b), (c), and (d), Occupations Code, as follows:

(b) Deletes existing text prohibiting a certain Texas trade association member from also being a certain employee of TCSOT.

(c) Deletes existing text prohibiting a person who is the spouse of a certain Texas trade association member from also being a certain employee of TCSOT.

(d) Deletes existing text prohibiting a person from acting as the general counsel to TCSOT if the person meets certain conditions.

SECTION 2.004. Amends Section 110.056(c), Occupations Code, to require the executive director, rather than the executive director of TCSOT, if the executive director has knowledge that a potential ground for removal exists, to notify the presiding officer of TCSOT of the potential ground.

SECTION 2.005. Amends Section 110.057(b), Occupations Code, to authorize TCSOT to hold additional meetings at the call of the presiding officer or as provided by TBHEC, rather than TSCOT, rule.

SECTION 2.006. Amends Section 110.059, Occupations Code, as follows:

Sec. 110.059. TRAINING. (a) Prohibits a person who is appointed to and qualified for office as a member of TCSOT from voting, deliberating, or being counted as a member in attendance at a meeting of TCSOT until the person completes a training program that complies with this section, rather than requires a person appointed to TCSOT to complete at least one course of a training program that complies with this section to be eligible to take office as a member of TCSOT. Deletes existing text requiring a person to complete the training program not later than six month after the date of appointment if the person has not completed the training course at the time of the appointment.

(b) Requires that the training program provide the person with information, rather than provide information to a person, regarding the law governing TCSOT operations; the programs, functions, rules, and budget of TCSOT; the scope of and limitations on the rulemaking authority of TCSOT; the results of the most recent formal audit of TCSOT; the requirements of certain laws; and any applicable ethics policies adopted by TCSOT or the Texas Ethics Commission (TEC), rather than the enabling legislation that created TCSOT; the programs operated by TCSOT; the role and functions of TCSOT; the rules of TCSOT, with an emphasis on certain rules; the current budget for TCSOT; the results of the most recent formal audit of TCSOT; the requirement of certain laws; and any applicable ethics policies adopted by TCSOT or TEC. Makes nonsubstantive changes.

(c) Provides that a person appointed to TCSOT is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualified for office, rather than provides that a person appointed to TCSOT is entitled to reimbursement for travel expenses incurred in attending the training program, as provided by the General Appropriations Act, as if the person were a member of TCSOT.

(d) Requires the executive director to create a training manual that includes the information required by Subsection (b). Requires the executive director to distribute a copy of the training manual annually to each TCSOT member.

Requires each TCSOT member to sign and submit to the executive director a statement acknowledging receipt of the training manual on receipt of the training manual.

SECTION 2.007. Amends Subchapter D, Chapter 110, Occupations Code, by adding Section 110.1515, as follows:

Sec. 110.1515. COUNCIL DUTIES. Requires TCSOT to propose certain rules and a schedule of sanctions for violations of this chapter or rules adopted under this chapter to TBHEC.

SECTION 2.008. Amends Chapter 110, Occupations Code, by adding Subchapter D-1 and adding a heading to that subchapter, to read as follows:

SUBCHAPTER D-1. EXECUTIVE COUNCIL POWERS AND DUTIES

SECTION 2.009. Transfers Sections 110.152, 110.154, 110.156, 110.158, 110.161, 110.162, and 110.163, Occupations Code, to Subchapter D-1, Chapter 110, Occupations Code, as added by this Act, redesignates them as Sections 110.171, 110.172, 110.173, 110.174, 110.175, 110.176, and 110.177, Occupations Code, respectively, and amends them, as follows:

Sec. 110.171. LIST AND LICENSE REQUIREMENTS. Requires TBHEC, rather than TCSOT, to take certain actions, including maintaining a list of sex offender treatment providers under Section 110.175, rather than 110.161.

Sec. 110.172. DISTRIBUTION OF MONEY. Makes conforming changes.

Sec. 110.173. ADJUDICATION INFORMATION. (a) through (e) Makes conforming changes.

Sec. 110.174. New heading: APPLICATION OF RULES. Deletes existing Subsection (a). Deletes existing designation of Subsection (b) and makes conforming changes.

Sec. 110.175. PUBLICATION OF LIST. (a) through (c) Makes conforming changes.

Sec. 110.176. CONFIDENTIALITY REQUIRED. Makes conforming changes.

Sec. 110.177. GRANTS AND DONATIONS. Authorizes TBHEC to apply for and accept on behalf of the state a grant or donation from any source to be used by TBHEC to perform its duties under this chapter, rather than only to perform its duties. Makes conforming changes.

SECTION 2.010. Amends Subchapter D-1, Chapter 110, Occupations Code, as added by this Act, by adding Section 110.178, as follows:

Sec. 110.178. DISCLOSURE OF CERTAIN INFORMATION. Authorizes certain information and material to be disclosed to certain entities in addition to entities listed in Section 506.205(b), notwithstanding Section 506.205.

SECTION 2.011. Amends Sections 110.302(a) and (b), Occupations Code, as follows:

(a) Requires TBHEC, rather than TCSOT, by rule, to develop procedures and eligibility and other requirements for the issuance of a license under this chapter, including, if appropriate, certain requirements.

(b) Makes a conforming change.

SECTION 2.012. Amends Section 110.303, Occupations Code, to authorize TBHEC, rather than TCSOT, to waive any prerequisite to a license for an applicant after reviewing the applicant's credentials and making a certain determination.

SECTION 2.013 Amends Section 110.304, Occupations Code, to authorize TBHEC, rather than TCSOT, to receive certain information from a law enforcement agency.

SECTION 2.014. Amends Section 110.305(a), Occupations Code, to authorize TBHEC, rather than TCSOT, by rule, to adopt a system under which licenses expire on various dates during the year.

SECTION 2.015. Amends Section 110.309, Occupations Code, as follows:

Sec. 110.309. DENIAL OF LICENSE. Authorizes TBHEC to deny an application for a license if certain criteria are met, including if the applicant fails to provide the information described by Section 110.173(a)(1) (relating to requiring TBHEC to establish a uniform method of obtaining certain information), rather than to authorize TCSOT to deny an application for a license if certain criteria are met, including if the applicant fails to provide the information described by Section 110.156(a)(1). Makes a conforming change.

SECTION 2.016. Amends Section 110.351, Occupations Code, as follows:

Sec. 110.351. New heading: DISCIPLINARY POWERS OF EXECUTIVE COUNCIL. Requires TBHEC to take disciplinary action under Subchapter G, Chapter 506, against a person who is licensed under this chapter if the person violates this chapter or a rule adopted under this chapter, rather than requires TCSOT to revoke, suspend, or refuse to renew a license, place on probation a person whose license has been suspended, or reprimand a person who is licensed under this chapter if the person violates this chapter or a rule of TCSOT.

SECTION 2.017. Amends Section 110.402(a), Occupations Code, to change a reference to Section 110.156 to Section 110.173 and make a conforming change.

SECTION 2.018. Amends Section 501.002, Occupations Code, by adding Subdivision (1-a) to define "executive council."

SECTION 2.019. Amends the heading to Section 501.053, Occupations Code, to read as follows:

Sec. 501.053. MEMBERSHIP RESTRICTIONS.

SECTION 2.020. Amends Sections 501.053(b) and (c), Occupations Code, as follows:

(b) Deletes existing text prohibiting a person from being a Texas State Board of Examiners of Psychologists (TSBEP) employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) if certain conditions are met.

(c) Deletes existing text prohibiting a person from acting as the general counsel to TSBEP if the person meets certain criteria.

SECTION 2.021. Amends Section 501.055(c), Occupations Code, to require the executive director, rather than the executive director of TSBEP, to notify the presiding officer of TSBEP of the potential ground if the executive director has knowledge that a potential ground for removal exists.

SECTION 2.022. Amends Section 501.059, Occupations Code, by amending Subsection (b) and adding Subsection (d), as follows:

(b) Requires that the training program provide the person with information regarding the law governing TSBEP operations; the programs, functions, rules, and budget of TSBEP; the scope of and limitations on the rulemaking authority of TSBEP; the results of the

most recent formal audit of TSBEP; the requirements of certain laws, including other laws applicable to members of TSBEP in performing their duties; and any applicable ethics policies adopted by TSBEP or TEC, rather than information regarding this chapter and the programs, functions, rules, and budget of TSBEP; the results of the most recent formal audit of TSBEP; the requirements of certain laws; and any applicable ethics policies adopted by TSBEP or TEC. Makes nonsubstantive changes.

(d) Requires the executive director to create a training manual that includes the information required by Subsection (b). Requires the executive director to distribute a copy of the training manual annually to each TSBEP member. Requires each TSBEP member, on receipt of the training manual, to sign and submit to the executive director a statement acknowledging receipt of the training manual.

SECTION 2.023. Amends the heading to Subchapter D, Chapter 501, Occupations Code, to read as follows:

SUBCHAPTER D. POWERS AND DUTIES

SECTION 2.024. Amends the heading to Section 501.151, Occupations Code, to read as follows:

Sec. 501.151. GENERAL POWERS AND DUTIES OF EXECUTIVE COUNCIL.

SECTION 2.025. Amends Sections 501.151(c) and (d), Occupations Code, as follows:

(c) Requires TBHEC to adopt and publish a code of ethics under this chapter, rather than requires TSBEP to adopt and publish a code of ethics.

(d) Makes conforming changes.

SECTION 2.026. Amends Subchapter D, Chapter 501, Occupations Code, by adding Section 501.1515, as follows:

Sec. 501.1515. BOARD DUTIES. Requires TSBEP to propose certain rules and a schedule of sanctions for violations of this chapter or rules adopted under this chapter to TBHEC.

SECTION 2.027. Amends Section 501.154, Occupations Code, as follows:

Sec. 501.154. ANNUAL LISTING. (a) Requires TBHEC, rather than TSBEP, to publish annually a list of all psychologists licensed under this chapter.

(b) and (c) Makes conforming changes.

SECTION 2.028. Amends Section 501.155, Occupations Code, as follows:

Sec. 501.155. VOLUNTARY GUIDELINES. (a) Authorizes TBHEC, rather than TSBEP, to cooperate with certain agencies to achieve certain outcomes.

(b) Makes a conforming change.

SECTION 2.029. Amends Section 501.158, Occupations Code, as follows:

Sec. 501.158. COMPETENCY REQUIREMENTS. (a) Provides that this section applies to certain persons, including a person who is applying to take the license examination; currently licensed under this chapter; or otherwise providing psychological services under a license approved by TBHEC under this chapter, rather than including a person who is applying to take the provisional license examination; currently licensed by TSBEP; or otherwise providing psychological services under a license approved by TSBEP.

(b) Authorizes TBHEC, rather than TSBEP, to request the person to submit to certain examinations on a certain determination by TBHEC. Makes conforming changes.

(c) Requires TBHEC to issue an order requiring a person, rather than an applicant or person seeking renewal of a provisional license, who refuses to submit to an examination under this section to show cause for the person's refusal at a hearing on the order scheduled for a certain date. Makes conforming changes.

(d) Makes a conforming change.

(e) Authorizes TBHEC to take disciplinary action against a person who refuses to submit to the physical or mental examination, unless the request is withdrawn, rather than prohibits a person who refuses to submit to the physical or mental examination from taking the provisional license examination or renewing the person's license, as appropriate, unless the request is withdrawn.

(f) Makes a conforming change.

SECTION 2.030. Amends Section 501.252(a), Occupations Code, as follows:

(a) Requires a person to apply to TBHEC, rather than TSBEP, for a license, to be licensed under this chapter. Requires TBHEC to issue a license to an applicant who is qualified for the license under Section 501.2525 and pays the fee set by TBHEC, rather than requires TSBEP to issue a license to an applicant who complies with this section and pays the fee set by TSBEP.

SECTION 2.031. Redesignates Section 501.255, Occupations Code, as Section 501.2525, Occupations Code, and amends it, as follows:

Sec. 501.2525. New heading: LICENSE QUALIFICATIONS. (a) Provides that an applicant is qualified for a license under this chapter if the applicant meets criteria, rather than authorizes an applicant to take an examination for a provisional license if the applicant meets certain criteria.

(b) Require TBHEC, rather than TSBEP, to take certain considerations into account in determining under Subsection (a)(1)(B) (relating to an applicant qualifying for a license if the applicant has received a doctoral degree in psychology, or a certain equivalent, from a regionally accredited educational institution conferred before January 1, 1979) whether a degree is substantially equivalent to a doctoral degree in psychology.

(c) Provides that, for purposes of Subsection (a)(2)(A) (relating to an applicant qualifying for a license with at least two years of supervised experience in the field of psychological services), experience is supervised only if the experience is supervised by a psychologist in the manner provided by TBHEC's supervision guidelines. Authorizes TBHEC to require documentary evidence of the quality, scope, and nature of the applicant's experience to determine the acceptability of an applicant's experience.

SECTION 2.032. Amends Section 501.253, Occupations Code, as follows:

Sec. 501.253. New heading: PROVISIONAL STATUS FOR CERTAIN APPLICANTS.

(a) Authorizes TBHEC to issue a license with a provisional status to an applicant who has not satisfied the experience or examination requirements of Section 501.2525(a)(2) (relating to certain experiences qualifying an applicant for a license) but is otherwise qualified for the license under Section 501.2525, rather than requires TSBEP to issue a provisional license to an applicant who has met certain requirements.

(b) Provides that a license holder described by Subsection (a) is entitled to practice psychology under the supervision of a psychologist to meet the requirements for issuance of a license under Section 501.2525, except that if the license holder meets certain criteria, the license holder is entitled to practice psychology without the supervision of a psychologist, rather than provides that a provisional license holder is entitled to practice psychology under the supervision of a psychologist to meet the requirements for issuance of a license under Section 501.252. Deletes existing text providing that a provisional license holder who meets certain criteria and who seeks a license in this state is entitled to practice psychology without the supervision of a psychologist during the time that TSBEP is processing the person's application for a license.

(c) Requires TBHEC to adopt rules that apply to a license holder described by Subsection (a) that make certain identifications, rather than requires TSBEP to adopt rules that apply to provisional license holders that make certain identifications.

(d) Authorizes TBHEC to refuse to renew a license issued under Subsection (a) if the license holder does not meet the requirements prescribed by Section 501.2525(a)(2), rather than authorizes TSBEP to refuse to renew the provisional license of a person who does not meet the requirements prescribed by Section 501.255.

(e) Prohibits TBHEC from restricting the issuance of a license to a certain applicant, rather than prohibits TSBEP from restricting the issuance of a license or provisional license to a certain applicant.

(f) Deletes existing designation of Subsection (f) and text relating to an applicant who is licensed in another state.

SECTION 2.033. Amends Sections 501.256(a), (b), (c), and (d), Occupations Code, as follows:

(a) Requires TBHEC to administer to qualified applicants at least annually any written examination required by TBHEC rules, rather than requires TSBEP to administer to qualified applicants at least annually the oral and written examination required by TSBEP rules. Requires that an examination be validated by an independent testing professional, rather than requires TSBEP to have the written portion of the examination, if any, validated by an independent testing professional.

(b) Requires TBHEC to determine the subject and scope of each examination and establish appropriate fees for examinations administered, rather than requires TSBEP to determine the subject and scope of the examinations and establish appropriate fees for examinations administered.

(c) and (d) Makes conforming changes.

SECTION 2.034. Amends Section 501.259, Occupations Code, as follows:

Sec. 501.259. LICENSING OF PSYCHOLOGICAL ASSOCIATE. (a) Requires TBHEC, rather than TSBEP, to set standards for the issuance of certain licenses.

(b) Makes a conforming change.

SECTION 2.035. Amends Sections 501.260(a) and (b), Occupations Code, as follows:

(a) Requires TBHEC, rather than TSBEP, by rule, to issue a license to a licensed specialist in school psychology. Makes conforming changes.

(b) Requires that standards for a license include, among certain other requirements, satisfaction of the requirements under Sections 501.2525(a)(3) through (9), other than the

degree requirements, rather than satisfaction of the requirements other than the degree requirements for an applicant to take an examination for a provisional license. Makes conforming changes.

SECTION 2.036. Amends Section 501.262, Occupations Code, to authorize TBHEC, rather than TSBEP, to enter into and implement agreements with other jurisdictions for the issuance of a license by reciprocity if the other jurisdictions' requirements for licensing, certification, or registration are substantially equal to the requirements of this chapter.

SECTION 2.037. Amends Sections 501.263(a), (b), (c), and (e), Occupations Code, as follows:

(a) Authorizes TBHEC, rather than TSBEP, to issue a temporary license to a certain applicant if the applicant meets certain requirements. Makes conforming and nonsubstantive changes.

(b), (c), and (e) Makes conforming changes.

SECTION 2.038. Amends Section 501.264(a), Occupations Code, to authorize a psychologist to place the psychologist's license on inactive status by applying to TBHEC and paying a fee established by TBHEC, rather than by applying to TSBEP and paying a fee established by TSBEP.

SECTION 2.039. Amends Section 501.301, Occupations Code, as follows:

Sec. 501.301. New heading: LICENSE EXPIRATION AND RENEWAL. (a) Requires TBHEC to adopt rules providing for the expiration and renewal of a license issued under this chapter. Requires that the rules require a license be renewed annually or biennially. Deletes existing text providing that a license issued under this chapter expires on December 31 of the year following the date the license is issued or renewed. Deletes existing text providing that a license of a psychological associate expires on May 31 of the year following the date the license is issued or renewed.

(b) Requires TBHEC, rather than TSBEP, by rule, to adopt a system under which licenses expire on various dates during the year. Makes a conforming change.

SECTION 2.040. Amends Sections 501.351(a) and (c), Occupations Code, as follows:

(a) Authorizes a psychologist licensed under this chapter to delegate to certain individuals, including a psychologist who holds a license described by Section 501.253 or a person enrolled in a formal internship as provided by TBHEC rules, certain psychological tests or services if the psychologist makes certain determinations, rather than authorizes a psychologist licensed under this chapter to delegate to certain individuals, including a provisionally licensed psychologist, a person enrolled in a formal internship as provided by TSBEP rules, and a person who satisfies Section 501.255(a) and is in the process of acquiring the supervised experience required by Section 501.252(b)(2), certain psychological tests or services if the psychologist makes certain determinations.

(c) Authorizes TBHEC, rather than TSBEP, to make certain determinations.

SECTION 2.041. Amends Section 501.401, Occupations Code, to require TBHEC to take disciplinary action under Subchapter G, Chapter 506, against a certain license holder, rather than requires TSBEP to revoke or suspend a holder's license, place on probation a person whose license has been suspended, or reprimand a certain license holder.

SECTION 2.042. Amends Section 501.407, Occupations Code, as follows:

Sec. 501.407. REMEDIAL CONTINUING EDUCATION. Authorizes TBHEC, rather than TSBEP, to require a license holder who violates this chapter to participate in a continuing education program. Makes a conforming change.

SECTION 2.043. Amends Section 501.408, Occupations Code, to authorize TBHEC, rather than TSBEP, to order corrective advertising if a psychologist, individually or under an assumed name, engages in false, misleading, or deceptive advertising.

SECTION 2.044. Amends Subchapter I, Chapter 501, Occupations Code, by adding Section 501.411, as follows:

Sec. 501.411. REMEDIAL PLAN. (a) Authorizes TBHEC to issue and establish the terms of a remedial plan to resolve the investigation of a complaint filed under this chapter.

(b) Requires TBHEC, by rule, to establish the types of complaints or violations that may be resolved with a remedial plan. Requires that the rules provide that a remedial plan may not be imposed to resolve a certain complaint.

(c) Prohibits a remedial plan from containing certain provisions.

(d) Prohibits TBHEC from issuing a remedial plan to resolve a complaint against a license holder if the license holder has previously entered into a remedial plan with TBHEC for the resolution of a different complaint filed under this chapter.

(e) Authorizes TBHEC to assess a fee against a license holder participating in a remedial plan in an amount necessary to recover the costs of administering the plan.

SECTION 2.045. Amends Section 501.505, Occupations Code, as follows:

Sec. 501.505. OPTION TO ORDER REFUND. (a) Authorizes TBHEC, rather than TSBEP, to order a license holder to refund to the person who paid for the psychological services at issue a certain amount, under a certain agreement.

(b) Makes a conforming change.

SECTION 2.046. Amends Chapter 501, Occupations Code, by adding Subchapter L, as follows:

SUBCHAPTER L. PSYCHOLOGY INTERJURISDICTIONAL COMPACT

Sec. 501.601. PSYCHOLOGY INTERJURISDICTIONAL COMPACT. Provides that the Psychology Interjurisdictional Compact (PSYPACT) is enacted and entered into, as follows:

PSYCHOLOGY INTERJURISDICTIONAL COMPACT

ARTICLE I. PURPOSE

Sets forth the purpose, intent, and objectives of PSYPACT.

ARTICLE II. DEFINITIONS

Sets forth certain definitions for PSYPACT.

ARTICLE III. HOME STATE LICENSURE

Sets forth licensing guidelines and requirements of psychologists in and between Compact States.

ARTICLE IV. COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY

Sets forth requirements of a psychologist to practice telepsychology and oversight of psychologists practicing telepsychology.

ARTICLE V. COMPACT TEMPORARY AUTHORIZATION TO PRACTICE

Establishes reciprocity and sets forth requirements to practice psychology in Compact States.

ARTICLE VI. CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE

Authorizes a psychologist to practice in a receiving state under certain circumstances.

ARTICLE VII. ADVERSE ACTIONS

Sets forth guidelines to impose and take adverse action against a psychologist.

ARTICLE VIII. ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY

Sets forth the authority of a Compact State's Psychology Regulatory Authority.

ARTICLE IX. COORDINATED LICENSURE INFORMATION SYSTEM

Sets forth requirements and guidelines relating to the Coordinated Licensure Information System.

ARTICLE X. ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION

Establishes the Psychology Interjurisdictional Compact Commission (commission) and sets forth membership, voting, meetings, prescription of bylaws and/or rules, and powers of the commission. Establishes the executive board of the commission and sets forth its membership, voting, meetings, duties, responsibilities, and powers. Sets forth financing and qualified immunity, defense, and indemnification of the commission.

ARTICLE XI. RULEMAKING

Sets forth rulemaking powers and procedures of the commission.

ARTICLE XII. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

Sets forth oversight of PSYPACT. Sets forth terms for default of, technical assistance to, and termination of Compact States. Sets forth guidelines for dispute resolution and enforcements of provisions and rules of PSYPACT

ARTICLE XIII. DATE OF IMPLEMENTATION OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENTS

Establishes implementation and Compact State membership terms of PSYPACT.

ARTICLE XIV. CONSTRUCTION AND SEVERABILITY

Requires PSYPACT to be liberally construed and remain in full force and effect as to the remaining compact states if PSYPACT is held contrary to a state constitution.

Sec. 501.602. RULES ADOPTED UNDER COMPACT. Prohibits the commission from adopting rules that alter the requirements or scope of practice of license issued under Chapter 501. Provides that any rule adopted by the commission that purports to alter the requirements or scope of practice of a license issued under Chapter 501 is not enforceable.

SECTION 2.047. Amends Sections 502.002(2) and (5), Occupations Code, by defining "executive council," redefining "licensed marriage and family therapist associate," and deleting existing definition of "commissioner."

SECTION 2.048. Amends the heading to Section 502.053, Occupations Code, to read as follows:

Sec. 502.053. MEMBERSHIP RESTRICTIONS.

SECTION 2.049. Amends Sections 502.053(b) and (c), Occupations Code, as follows:

(b) Prohibits certain persons from being a member of the Texas State Board of Examiners of Marriage and Family Therapists (BMFT). Deletes existing text prohibiting a DSHS employee employed in a "bona fide executive, administrative, or professional capacity" from also being a member of BMFT.

(c) Deletes existing text prohibiting a certain person from acting as general counsel to BMFT or DSHS.

SECTION 2.050. Amends Section 502.056(c), Occupations Code, to require the executive director, rather than the executive director of BMFT, if the executive director has knowledge that a potential ground for removal exists, to notify the presiding officer of BMFT of the potential ground.

SECTION 2.051. Amends Section 502.059, Occupations Code, by amending Subsection (b) and adding Subsection (d), as follows:

(b) Requires that the training program provide the person with certain information. Makes nonsubstantive changes.

(d) Requires the executive director to create a training manual that includes the information required by Subsection (b). Requires the executive director to distribute a copy of the training manual annually to each BMFT member. Requires each BMFT member, on receipt of the training manual, to sign and submit to the executive director a statement acknowledging receipt of the training manual.

SECTION 2.052. Amends the heading to Subchapter D, Chapter 502, Occupations Code, to read as follows:

SUBCHAPTER D. POWERS AND DUTIES

SECTION 2.053. Amends Section 502.151, Occupations Code, as follows:

Sec. 502.151. New heading: GENERAL POWERS AND DUTIES OF EXECUTIVE COUNCIL. Requires TBHEC, rather than BMFT, to determine the qualifications and fitness of a license applicant and adopt a code of professional ethics for license holders.

SECTION 2.054. Amends Subchapter D, Chapter 502, Occupations Code, by adding Section 502.1515, as follows:

Sec. 502.1515. BOARD DUTIES. Requires BMFT to propose to TBHEC certain rules and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

SECTION 2.055. Amends Section 502.155, Occupations Code, to require TBHEC to take certain actions, including to give reasonable public notice of the examinations in the manner provided by TBHEC rules, rather than to require BMFT to take certain actions, including to give reasonable public notice of the examinations in the manner provided by BMFT rules.

SECTION 2.056. Amends Section 502.157, Occupations Code, as follows:

Sec. 502.157. ANNUAL REGISTRY. (a) Requires TBHEC, rather than BMFT, to annually prepare a registry of all license holders.

(b) Makes a conforming change.

SECTION 2.057. Amends Section 502.159, Occupations Code, to prohibit a member of TBHEC or an employee of TBHEC who is assigned to make a decision, a finding of fact, or a conclusion of law in a proceeding pending before TBHEC, rather than prohibits a BMFT member or DSHS employee who performs functions for BMFT and who is assigned to make a decision, a finding of fact, or a conclusion of law in a proceeding pending before BMFT, from directly or indirectly communicating with a party to the proceeding or the party's representative unless notice and an opportunity to participate are given to each party to the proceeding.

SECTION 2.058. Amends Section 502.252, Occupations Code, as follows:

Sec. 502.252. LICENSE APPLICATION. (a) Changes references to BMFT to TBHEC.

(b) Requires a person, to qualify for a license as a licensed marriage and family therapist associate to meet certain requirements. Redesignates existing Subdivisions (6) through (9) as Subdivisions (5) through (8).

(c) Provides that an applicant is eligible to apply for a license as a licensed marriage and family therapist if the person meets certain criteria. Deletes existing text requiring at least 750 hours of direct clinical services to couples or families. Makes nonsubstantive changes.

SECTION 2.059. Amends Sections 502.253(a), (b), and (c), Occupations Code, to change references to BMFT to TBHEC.

SECTION 2.060. Amends Sections 502.254(b) and (d), Occupations Code, to change references to BMFT to TBHEC and delete existing text requiring an applicant to pay an examination fee set by the executive commissioner of HHSC (executive commissioner), by rule.

SECTION 2.061. Amends Section 502.2541, Occupations Code, to change references to BMFT to TBHEC. Makes a nonsubstantive change.

SECTION 2.062. Amends Section 502.2545, Occupations Code, to change references to BMFT to TBHEC.

SECTION 2.063. Amends Section 502.257, Occupations Code, to change references to BMFT to TBHEC.

SECTION 2.064. Amends Section 502.258(a), Occupations Code, to change a reference to BMFT to TBHEC.

SECTION 2.065. Amends Section 502.259, Occupations Code, to change references to BMFT to TBHEC.

SECTION 2.066. Amends Sections 502.260(a), (b), and (d), Occupations Code, to change references to BMFT to TBHEC.

SECTION 2.067. Amends Section 502.261(b), Occupations Code, to change a reference to BMFT to TBHEC.

SECTION 2.068. Amends Section 502.301(a), Occupations Code, to change a reference to BMFT to TBHEC.

SECTION 2.069. Amends the heading to Subchapter H, Chapter 502, Occupations Code, to read as follows:

SUBCHAPTER H. DISCIPLINARY ACTIONS

SECTION 2.070. Amends Section 502.351, Occupations Code, to require TBHEC to take disciplinary action under Subchapter G, Chapter 506, against a license holder who meets certain criteria, rather than to require BMFT to reprimand a license holder, place on probation a person whose license has been suspended, refuse to renew a person's license, or suspend or revoke a holder's license if the person meets certain criteria.

SECTION 2.071. Amends Section 502.357, Occupations Code, to change a reference to BMFT to TBHEC and change a reference to Subchapter I to Subchapter H, Chapter 506.

SECTION 2.072. Amends Section 502.358, Occupations Code, as follows:

(a) Authorizes TBHEC to order a license holder to pay a certain refund instead of or in addition to imposing an administrative penalty under Subchapter H, Chapter 506, rather than authorizes BMFT to order a license holder to pay a certain refund instead of or in addition to imposing an administrative penalty under this chapter.

(b) Changes a reference to BMFT to TBHEC.

SECTION 2.073. Amends the heading to Subchapter J, Chapter 502, Occupations Code, to read as follows:

SUBCHAPTER J. CRIMINAL PENALTY

SECTION 2.074. Amends Section 503.002(2), Occupations Code, to define "executive council" and delete existing definition of "department."

SECTION 2.075. Amends the heading to Section 503.104, Occupations Code, to read as follows:

Sec. 503.104. MEMBERSHIP RESTRICTIONS.

SECTION 2.076. Amends Sections 503.104(b) and (c), Occupations Code, as follows:

(b) Deletes existing text prohibiting a person from being a DSHS employee employed in a "bona fide executive, administrative, or professional capacity" under certain conditions.

(c) Deletes existing text prohibiting a certain person from acting as general counsel to the Texas State Board of Examiners of Professional Counselors (TSBEPC) or DSHS.

SECTION 2.077. Amends Section 503.107(c), Occupations Code, to require the executive director, rather than the executive director of TSBEPC, if the executive director has knowledge that a potential ground for removal exists, to notify the presiding officer of TSBEPC of the potential ground.

SECTION 2.078. Amends Section 503.110, Occupations Code, by amending Subsection (b) and adding Subsection (d), as follows:

(b) Requires that the training program provide the person with certain information.

(d) Requires the executive director to create a training manual that includes the information required by Subsection (b). Requires the executive director to distribute a

copy of the training manual annually to each TSBEP member. Requires each TSBEP member, on receipt of the training manual, to sign and submit to the executive director a statement acknowledging receipt of the training manual.

SECTION 2.079. Amends the heading to Subchapter E, Chapter 503, Occupations Code, to read as follows:

SUBCHAPTER E. POWERS AND DUTIES

SECTION 2.080. Amends Section 503.201, Occupations Code, as follows:

Sec. 503.201. New heading: GENERAL POWERS AND DUTIES OF EXECUTIVE COUNCIL. (a) Changes a reference to TSBEP to TBHEC and deletes existing text requiring TSBEP to adopt an official seal.

(b) Makes a conforming change.

SECTION 2.081. Amends Subchapter E, Chapter 503, Occupations Code, by adding Section 503.2015, as follows:

Sec. 503.2015. BOARD DUTIES. Requires TSBEP to propose to TBHEC certain rules and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

SECTION 2.082. Amends Section 503.207, Occupations Code, to change references to TSBEP to TBHEC.

SECTION 2.083. Amends Section 503.208, Occupations Code, to change a reference to TSBEP to TBHEC.

SECTION 2.084. Amends Section 503.302, Occupations Code, to change references to TSBEP to TBHEC.

SECTION 2.085. Amends Section 503.303(b), Occupations Code, to change references to TSBEP to TBHEC.

SECTION 2.086. Amends Section 503.304, Occupations Code, to change references to TSBEP to TBHEC.

SECTION 2.087. Amends Section 503.305, Occupations Code, to change references to TSBEP to TBHEC.

SECTION 2.088. Amends Section 503.3055, Occupations Code, to change references to TSBEP to TBHEC.

SECTION 2.089. Amends Section 503.308, Occupations Code, to change references to TSBEP to TBHEC.

SECTION 2.090. Amends Sections 503.310(a), (c), and (d), Occupations Code, to change references to TSBEP to TBHEC.

SECTION 2.091. Amends Section 503.311, Occupations Code, as follows:

Sec. 503.311. ISSUANCE OF LICENSE TO PROVISIONAL LICENSE HOLDER. (a) Changes references to TSBEP to TBHEC.

(b) Requires TBHEC to complete the processing of a provisional license holder's application for a license not later than the later of certain dates, including the date licenses are issued following completion of the next licensing and jurisprudence examinations, rather than examination.

SECTION 2.092. Amends Sections 503.312(a) and (c), Occupations Code, to change references to TSBEP to TBHEC.

SECTION 2.093. Amends Section 503.313, Occupations Code, to change a reference to TSBEP to TBHEC.

SECTION 2.094. Amends Section 503.314(b), Occupations Code, to change references to TSBEP to TBHEC.

SECTION 2.095. Amends Section 503.351, Occupations Code, to change a reference to TSBEP to TBHEC.

SECTION 2.096. Amends Section 503.352, Occupations Code, to change a reference to TSBEP to TBHEC.

SECTION 2.097. Amends Section 503.353, Occupations Code, to change references to TSBEP to TBHEC.

SECTION 2.098. Amends the heading to Subchapter I, Chapter 503, Occupations Code, to read as follows:

SUBCHAPTER I. DISCIPLINARY ACTIONS

SECTION 2.099. Amends Section 503.401(a), Occupations Code, to provide that a person licensed under this chapter is subject to disciplinary action under Subchapter G, Chapter 506, if the person meets certain criteria, including violates this chapter or a rule or code of ethics adopted under this chapter, rather than to provide that a person licensed under this chapter is subject to disciplinary action under this section if the person meets certain criteria, including violates this chapter or a rule or code of ethics adopted by TSBEP.

SECTION 2.100. Amends Section 503.407, Occupations Code, to change references to TSBEP to TBHEC.

SECTION 2.101. Amends Section 503.453, Occupations Code, to change a reference to TSBEP to TBHEC.

SECTION 2.102. Amends Sections 504.001(4), (6), (8), and (9), Occupations Code, to redefine "clinical training institution," "counselor intern," and "peer assistance program," define "executive council," and delete existing definition of "executive commissioner."

SECTION 2.103. Amends the heading to Subchapter B, Chapter 504, Occupations Code, to read as follows:

SUBCHAPTER B. POWERS AND DUTIES OF EXECUTIVE COUNCIL

SECTION 2.104. Amends Section 504.051, Occupations Code, as follows:

Sec. 504.051. New heading: GENERAL POWERS AND DUTIES. Changes references to the executive commissioner to TBHEC.

SECTION 2.105. Amends Section 504.052, Occupations Code, to require TBHEC, rather than certain individuals and DSHS, in taking an action or making a decision under this chapter, to do so without regard to the sex, race, religion, national origin, color, or political affiliation of the person affected.

SECTION 2.106. Amends Sections 504.055(a), (b), and (d), Occupations Code, as follows:

(a) Changes references to DSHS to TBHEC.

(b) Makes conforming and nonsubstantive changes.

(c) Authorizes TBHEC to charge a fee for the roster published under this section, rather than authorizes DSHS to charge a fee in an amount set by the executive commissioner, by rule, for the roster published under this section.

SECTION 2.107. Amends Section 504.057, Occupations Code, as follows:

Sec. 504.057. APPROVAL OF PEER ASSISTANCE PROGRAMS. (a) Requires TBHEC to approve one or more peer assistance programs established in accordance with Chapter 467 (Peer Assistance Programs), Health and Safety Code, from which persons licensed under this chapter may seek assistance. Deletes existing text requiring DSHS to approve one or more peer assistance programs established by DSHS or a professional association in accordance with Chapter 467, Health and Safety Code, from which persons licensed under this chapter may seek assistance.

(b) and (c) Makes conforming changes.

SECTION 2.108. Amends Section 504.058, Occupations Code, as follows:

Sec. 504.058. FUNDING FOR CHEMICAL DEPENDENCY COUNSELOR PROGRAMS. (a) Changes a reference to the executive commissioner to TBHEC.

(b) Changes references to DSHS to TBHEC.

SECTION 2.109. Amends Subchapter B, Chapter 504, Occupations Code, by adding Section 504.059, as follows:

Sec. 504.059. ADVISORY BOARD. Requires TBHEC to establish an advisory board to provide advice and recommendations to TBHEC on technical matters relevant to the administration of this chapter. Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the duration of the advisory board.

SECTION 2.110. Amends Section 504.1511, Occupations Code, to change a reference to DSHS to TBHEC. Makes a nonsubstantive change.

SECTION 2.111. Amends Section 504.1515, Occupations Code, as follows:

Sec. 504.1515. COUNSELOR INTERNS. (a) Changes references to DSHS to TBHEC. Changes references to Section 504.152(3)(A) to 504.152(a)(3)(A) (relating to certain required hours needed in order to be eligible for a license) and 504.152(3)(C) to 504.152(a)(3)(C) (relating to certain required hours needed in order to be eligible for a license).

(b) Makes a conforming change.

SECTION 2.112. Amends Section 504.152, Occupations Code, to change references to DSHS to TBHEC.

SECTION 2.113. Amends Section 504.1521(b), Occupations Code, to require TBHEC, rather than the executive commissioner, to adopt rules necessary to register clinical training institutions that meet the criteria established by TBHEC, rather than the executive commissioner, to protect the safety and welfare of the people of this state and certify clinical supervisors who hold certification credentials approved by TBHEC, rather than DSHS, or by a person designated by TBHEC, rather than DSHS, such as the International Certification and Reciprocity Consortium or another person that meets the criteria established by TBHEC, rather than the executive commissioner, to protect the safety and welfare of the people of this state.

SECTION 2.114. Amends Sections 504.1525(a) and (b), Occupations Code, to change references to DSHS to TBHEC.

SECTION 2.115. Amends Section 504.153, Occupations Code, to change a reference to Section 504.152(3)(A) to 504.152(a)(3)(A) and Section 504.152(3)(B) to 504.152(a)(3)(B) (relating to certain required hours needed in order to be eligible for a license). Makes conforming changes.

SECTION 2.116. Amends Section 504.155, Occupations Code, to change references to DSHS to TBHEC.

SECTION 2.117. Amends Section 504.156(a), Occupations Code, to change references to DSHS to TBHEC and make a nonsubstantive change.

SECTION 2.118. Amends Section 504.158, Occupations Code, to change references to DSHS to TBHEC and delete existing text authorizing the executive commissioner, by rule, to establish a fee for a provisional license. Makes nonsubstantive changes.

SECTION 2.119. Amends Section 504.159, Occupations Code, as follows:

Sec. 504.159. ISSUANCE OF LICENSE TO PROVISIONAL LICENSE HOLDER. (a) Requires TBHEC, rather than DSHS, to issue a license under this chapter to a provisional license holder who satisfies the eligibility requirements established by Section 504.152 (Eligibility Requirements). Authorizes TBHEC, rather than DSHS, when issuing a license under this subsection, to waive the requirements established by Sections 504.152(a)(6) (relating to submitting a case presentation to the test administrator to be eligible for a certain license) and (8) (relating to successful completion of the chemical dependency counselor examination to be eligible for a certain license), rather than Sections 504.152(6), (7) (relating to being determined worthy of the public trust and confidence to be eligible for a certain license) and (9) (relating to signing a certain written agreement to be eligible for a certain license).

(b) Makes conforming changes.

SECTION 2.120. Amends Section 504.160, Occupations Code, to change references to DSHS to TBHEC.

SECTION 2.121. Amends Section 504.201(a), Occupations Code, to change a reference to the executive commissioner to TBHEC.

SECTION 2.122. Amends Section 504.202, Occupations Code, to change references to DSHS to TBHEC.

SECTION 2.123. Amends Section 504.2025, Occupations Code, to change references to DSHS to TBHEC.

SECTION 2.124. Amends Section 504.2026, Occupations Code, to change references to DSHS to TBHEC.

SECTION 2.125. Amends Section 504.205(d), Occupations Code, to change a reference to the commissioner to TBHEC and delete existing text prohibiting the executive commissioner from adopting a certain rule under Subsection (a).

SECTION 2.126. Amends Sections 504.206(b) and (d), Occupations Code, as follows:

(b) Makes conforming changes.

(d) Authorizes TBHEC, in developing the training component, to the extent appropriate, to consider the training course relating to Hepatitis C developed by DSHS, rather than department, under Section 94.002 (Hepatitis C Education and Prevention Program), Health and Safety Code.

SECTION 2.127. Amends the heading to Subchapter F, Chapter 504, Occupations Code, to read as follows:

SUBCHAPTER F. DISCIPLINARY ACTIONS

SECTION 2.128. Amends Section 504.251, Occupations Code, as follows:

Sec. 504.251. New heading: GROUND FOR DISCIPLINARY ACTION. Requires TBHEC to take disciplinary action under Subchapter G, Chapter 506, against a certain applicant or certain license, registration, or certification holder, rather than requires DSHS to refuse to issue a license, registration, or certification issued by DSHS to an applicant, refuse to renew a license, registration, or certification holder's license, registration, or certification issued by DSHS, or take disciplinary action against the holder of a license, registration, or certification, issued by DSHS if the applicant or license, registration, or certification holder meets certain conditions. Makes a conforming change.

SECTION 2.129. Amends Section 504.2525(a), Occupations Code, to require TBHEC to suspend a license, registration, or certification issued under this chapter if TBHEC receives certain written notice, rather than requires DSHS to suspend the license, registration, or certification issued by DSHS of a license, registration, or certification holder if DSHS receives certain written notice.

SECTION 2.130. Amends Sections 504.255(a) and (c), Occupations Code, to change references to DSHS to TBHEC.

SECTION 2.131. Amends Section 505.002, Occupations Code, to redefine "council on social work education," "licensed baccalaureate social worker," "licensed clinical social worker," "licensed master social worker," "licensed social worker," and "social worker," define "executive council," delete existing text defining "department," and make nonsubstantive changes.

SECTION 2.132. Amends Section 505.102(b), Occupations Code, to change references to DSHS to TBHEC.

SECTION 2.133. Amends the heading to Section 505.103, Occupations Code, to read as follows:

Sec. 505.103. MEMBERSHIP RESTRICTIONS.

SECTION 2.134. Amends Sections 505.103(b) and (c), Occupations Code, as follows:

(b) Deletes existing text prohibiting a person from being a DSHS employee employed in a "bona fide executive, administrative, or professional capacity" under certain conditions.

(c) Deletes existing text prohibiting a person from acting as general counsel to the Texas State Board of Social Worker Examiners (TSBSWE) or DSHS.

SECTION 2.135. Amends Section 505.109, Occupations Code, by amending Subsection (b) and adding Subsection (d), as follows:

(b) Requires that the training program provide the person with certain information. Makes nonsubstantive changes.

(d) Requires the executive director to create a training manual that includes the information required by Subsection (b). Requires the executive director to distribute a copy of the training manual annually to each TSBSWE member. Requires each TSBSWE member, on receipt of the training manual, to sign and submit to the executive director a statement acknowledging receipt of the training manual.

SECTION 2.136. Amends Section 505.201, Occupations Code, as follows:

Sec. 505.201. New heading: GENERAL RULEMAKING AND ENFORCEMENT AUTHORITY OF EXECUTIVE COUNCIL. (a) Changes references to TSBSWE to TBHEC.

(b) Deletes existing text requiring TSBSWE, in adopting rules under this section, to consider the rules and procedures of DSHS and requiring TSBSWE to adopt procedural rules, prohibited from being inconsistent with similar rules and procedures of DSHS. Redesignates existing Subsection (c) as Subsection (b) and makes a conforming change.

(c) Makes a conforming change. Redesignates existing Subsection (e) as Subsection (c).

(d) Makes a conforming change. Redesignates existing Subsection (f) as Subsection (d).

SECTION 2.137. Amends Subchapter D, Chapter 505, Occupations Code, by adding Section 505.2015, as follows:

Sec. 505.2015. BOARD DUTIES. Requires TSBSWE to propose to TBHEC certain rules and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

SECTION 2.138. Amends Section 505.205, Occupations Code, to change references to TSBSWE to TBHEC.

SECTION 2.139. Amends Section 505.206, Occupations Code, to change a reference to TSBSWE to TBHEC.

SECTION 2.140. Amends Section 505.301, Occupations Code, to change references to TSBSWE to TBHEC.

SECTION 2.141. Amends Section 505.302(a), Occupations Code, to change references to TSBSWE to TBHEC.

SECTION 2.142. Amends Sections 505.303(a) and (c), Occupations Code, as follows:

(a) Changes references to TSBSWE to TBHEC.

(c) Authorizes a person recognized as qualified for the independent practice of clinical social work, for purposes of Subchapter C (Selection of Practitioners), Chapter 1451 (Access to Certain Practitioners and Facilities), Insurance Code, to use the title "Licensed Clinical Social Worker" or another title approved by TBHEC, rather than TSBSWE, and provides that a title approved by TBHEC, rather than TSBSWE-approved, under this subsection has the same meaning and effect as the title "Licensed Clinical Social Worker."

SECTION 2.143. Amends Section 505.304, Occupations Code, to change a reference to TSBSWE to TBHEC, delete existing text requiring that an order of recognition include the presiding officer's signature and TSBSWE's official seal, and make nonsubstantive changes.

SECTION 2.144. Amends Section 505.305, Occupations Code, to change references to TSBSWE to TBHEC.

SECTION 2.145. Amends Section 505.306, Occupations Code, to change references to TSBSWE to TBHEC.

SECTION 2.146. Amends Section 505.307, Occupations Code, to change references to TSBSWE to TBHEC.

SECTION 2.147. Amends Section 505.352, Occupations Code, to change references to TSBSWE to TBHEC.

SECTION 2.148. Amends Section 505.353, Occupations Code, to change references to TSBSWE to TBHEC.

SECTION 2.149. Amends Sections 505.354(a), (b), and (e), Occupations Code, to change references to TSBSWE to TBHEC.

SECTION 2.150. Amends Section 505.3545, Occupations Code, to change references to TSBSWE to TBHEC and make a nonsubstantive change.

SECTION 2.151. Amends Section 505.357(a), Occupations Code, to change a reference to TSBSWE to TBHEC.

SECTION 2.152. Amends Section 505.3575, Occupations Code, to change references to TSBSWE to TBHEC.

SECTION 2.153. Amends Section 505.358, Occupations Code, as follows:

Sec. 505.358. PROVISIONAL LICENSE. (a) Changes references to TSBSWE to TBHEC.

(b) Provides that an applicant for a provisional license is required to meet certain criteria. Makes conforming and nonsubstantive changes.

(c) and (d) Makes conforming changes.

SECTION 2.154. Amends Section 505.359, Occupations Code, to change references to TSBSWE to TBHEC.

SECTION 2.155. Amends Section 505.401(a-1), Occupations Code, to change a reference to TSBSWE to TBHEC.

SECTION 2.156. Amends Section 505.405, Occupations Code, to authorize TBHEC, rather than TSBSWE, to refuse to renew the license of a person who fails to pay an administrative penalty imposed under Subchapter H, Chapter 506, rather than Subchapter K (Administrative Penalty), unless enforcement of the penalty is stayed or a court has ordered that the administrative penalty is not owed.

SECTION 2.157. Amends the heading to Subchapter I, Chapter 505, Occupations Code, to read as follows:

SUBCHAPTER I. DISCIPLINARY ACTION

SECTION 2.158. Amends Section 505.451, Occupations Code, as follows:

Sec. 505.451. New heading: GROUNDS FOR DISCIPLINARY ACTION. Requires TBHEC to take disciplinary action under Subchapter G, Chapter 506, against a person for taking certain actions. Deletes existing text requiring TSBSWE to deny an application for a license or order of recognition of specialty and to revoke or suspend, including a suspension on an emergency basis, a license or order, place a holder of a license or order that has been suspended on probation, refuse to renew a person's license, or reprimand a holder of a license or order for taking certain actions, including taking certain actions. Makes conforming changes.

SECTION 2.159. Amends Section 505.454(a), Occupations Code, to make conforming changes.

SECTION 2.160. Amends Section 505.458, Occupations Code, to change references to TSBSWE to TBHEC.

SECTION 2.161. Amends Section 505.505, Occupations Code, as follows:

Sec. 505.505. APPEAL BOND NOT REQUIRED. Provides that TBHEC, rather than TSBSWE or DSHS, is not required to post an appeal bond in any action arising under this chapter.

SECTION 2.162. Amends Section 505.506, Occupations Code, to make a conforming change.

SECTION 2.163. Repealer: Section 411.1105 (Access to Criminal History Record Information: Department of State Health Services), Government Code.

Repealer; Section 411.1388 (Access to Criminal History Record Information: Interagency Council on Sex Offender Treatment), Government Code.

SECTION 2.164. Repealer: Section 110.001(3-a) (relating to the definition of “executive director”), Occupations Code.

Repealer: Subchapter C (Executive Director and Staff), Chapter 110 (Council on Sex Offender Treatment), Occupations Code.

Repealer: Section 110.157 (Continuing Education Programs), Occupations Code.

Repealer: Section 110.159 (Fees), Occupations Code.

Repealer: Subchapter F (Public Interest Information and Complaint Procedures), Chapter 110, Occupations Code.

Repealer: Section 110.307 (Procedure for Renewal), Occupations Code.

Repealer: Section 110.308 (Renewal of Expired License by Out-of-State Practitioner), Occupations Code.

Repealer: Section 110.352 (Probation), Occupations Code.

Repealer: Section 110.353 (Disciplinary Hearing), Occupations Code.

Repealer: Section 110.354 (Emergency Suspension), Occupations Code.

Repealer: Subchapter J (Administrative Penalty), Chapter 110, Occupations Code.

Repealer: Section 501.002(3) (relating to the definition of "provisional license holder"), Occupations Code.

Repealer: Section 501.005 (Application of Sunset Act), Occupations Code.

Repealer: Subchapter C (Executive Director and Other Board Personnel), Chapter 501 (Psychologists), Occupations Code.

Repealer: Sections 501.151(a) (relating to the authority of TSBEP to adopt rules necessary to perform its duties and regulate its proceedings) and (b) (relating to the requirement that TSBEP adopt an official seal), Occupations Code.

Repealer: Section 501.152 (Fees), Occupations Code.

Repealer: Section 501.156 (Rules Restricting Advertising or Competitive Bidding), Occupations Code.

Repealer: Section 501.157 (Board Duties Regarding Complaints), Occupations Code.

Repealer: Section 501.160 (Use of Technology), Occupations Code.

Repealer: Section 501.161 (Negotiated Rulemaking and Alternative Dispute Resolution), Occupations Code.

Repealer: Section 501.162 (Development of Proposed Rules), Occupations Code.

Repealer: Subchapter E (Public Interest Information and Complaint Procedures), Chapter 501, Occupations Code.

Repealer: Sections 501.252(b) (relating to the prohibition of person being licensed as a psychologist unless the person meets certain requirements), (c) (relating to when experience is considered supervised), and (d) (relating to the authority of TSBEP to require documentary evidence of certain criteria of the applicant's experience), Occupations Code.

Repealer: Section 501.254 (Provisional License Application), Occupations Code.

Repealer: Sections 501.256(e) (relating to the requirement of TSBEP to provide to the person an analysis of the person's performance on the examination), (f) (relating to the authority of TSBEP to assess orally only certain areas), and (g) (relating to the requirement that TSBEP, by rule, clearly define the standards used to determine sufficient entry level knowledge), Occupations Code.

Repealer: Section 501.2561 (Evaluation of Oral Examination), Occupations Code.

Repealer: Section 501.257 (Reexamination), Occupations Code.

Repealer: Section 501.258 (Notification of Examination Results), Occupations Code.

Repealer: Section 501.261(b) (relating to the requirement that certain persons sign using TSBEP's seal), Occupations Code.

Repealer: Section 501.302 (License Renewal), Occupations Code.

Repealer: Section 501.303 (Renewal of Expired License By Out-of-State Practitioner), Occupations Code.

Repealer: Section 501.304 (Continuing Education), Occupations Code.

Repealer: Section 501.402 (Temporary License Suspension), Occupations Code.

Repealer: Section 501.403 (Hearing), Occupations Code.

Repealer: Section 501.404 (Schedule of Sanctions), Occupations Code.

Repealer: Section 501.405 (Appeal), Occupations Code.

Repealer: Section 501.406 (Probation), Occupations Code.

Repealer: Section 501.409 (Administrative Procedure), Occupations Code.

Repealer: Section 501.410 (Rules Governing Informal Proceedings), Occupations Code.

Repealer: Subchapter J (Administrative Penalty), Chapter 501, Occupations Code.

Repealer: Section 501.501 (Injunctive Relief), Occupations Code.

Repealer: Section 501.502 (Civil Penalty), Occupations Code.

Repealer: Section 501.504 (Monitoring of License Holder), Occupations Code.

Repealer: Section 502.002(3) (relating to the definition of "department"), Occupations Code.

Repealer: Section 502.003 (Application of Sunset Act), Occupations Code.

Repealer: Subchapter C (Executive Director and Other Board Personnel), Chapter 502 (Marriage and Family Therapists), Occupations Code.

Repealer: Section 502.152 (Rules Regarding Board Procedures), Occupations Code.

Repealer: Section 502.153 (Fees), Occupations Code.

Repealer: Section 502.154 (Expenditure of Funds), Occupations Code.

Repealer: Section 502.156 (Rules Restricting Advertising or Competitive Bidding), Occupations Code.

Repealer: Section 502.1565 (Rules on Consequences of Criminal Conviction), Occupations Code.

Repealer: Section 502.158 (Board Duties Regarding Complaints), Occupations Code.

Repealer: Section 502.161 (Board Committees), Occupations Code.

Repealer: Section 502.162 (Use of Technology), Occupations Code.

Repealer: Section 502.163 (Negotiated Rulemaking and Alternative Dispute Resolution Policy), Occupations Code.

Repealer: Subchapter E (Public Interest Information and Complaint Procedures), Chapter 502, Occupations Code.

Repealer: Section 502.255 (Examination Results), Occupations Code.

Repealer: Section 502.256 (Reexamination), Occupations Code.

Repealer: Sections 502.301(b) (relating to the requirement that BMFT notify each license holder in writing of the pending license expiration not later than the 30th day before the date on which the license expires), (c) (relating to the authorization of a license holder to renew an unexpired license by paying to BMFT the required renewal fee), (d) (relating to the authority of a person whose license has been expired for 90 days or less to renew the license), and (e) (relating to the prohibition of a person whose license has been expired for one year or more from renewing the license), Occupations Code.

Repealer: Section 502.302 (Renewal of Expired License by Out-of-State Practitioner), Occupations Code.

Repealer: Section 502.303 (Continuing Education), Occupations Code.

Repealer: Section 502.352 (Probation), Occupations Code.

Repealer: Section 502.353 (Informal Proceedings), Occupations Code.

Repealer: Section 502.354 (Hearing), Occupations Code.

Repealer: Section 502.355 (Sanctions), Occupations Code.

Repealer: Section 502.356 (Emergency Suspension), Occupations Code.

Repealer: Subchapter I (Administrative Penalty), Chapter 502, Occupations Code.

Repealer: Section 502.451 (Injunction), Occupations Code.

Repealer: Section 502.452 (Monitoring of License Holder), Occupations Code.

Repealer: Section 502.453 (Civil Penalty), Occupations Code.

Repealer: Section 502.455 (Cease and Desist Order), Occupations Code.

Repealer: Section 503.005 (Application of Sunset Act), Occupations Code.

Repealer: Subchapter D (Executive Director and Other Board Personnel), Chapter 503 (Licensed Professional Counselors), Occupations Code.

Repealer: Section 503.202 (Fees), Occupations Code.

Repealer: Section 503.203 (General Rulemaking Authority), Occupations Code.

Repealer: Section 503.204 (Rules Restricting Advertising or Competitive Bidding), Occupations Code.

Repealer: Section 503.2045 (Rules on Consequences of Criminal Conviction), Occupations Code.

Repealer: Section 503.205 (Delegation to Committee), Occupations Code.

Repealer: Section 503.209 (Board Duties Regarding Complaints), Occupations Code.

Repealer: Section 503.210 (Use of Technology), Occupations Code.

Repealer: Section 503.211 (Negotiated Rulemaking and Alternative Dispute Resolution Policy), Occupations Code.

Repealer: Subchapter F (Public Interest Information and Complaint Procedures), Chapter 503, Occupations Code.

Repealer: Section 503.306 (Examination Results), Occupations Code.

Repealer: Section 503.307 (Reexamination), Occupations Code.

Repealer: Section 503.354 (Procedure for Renewal), Occupations Code.

Repealer: Section 503.355 (Renewal of Expired License by Out-of-State Practitioner), Occupations Code.

Repealer: Section 503.356 (Continuing Education), Occupations Code.

Repealer: Sections 503.401(b) (relating to actions required of TSBEP if a person is subject to disciplinary action), (c) (relating to the authority of TSBEP to take certain actions if a license suspension is probated), and (d) (relating to a license holder's entitlement to a hearing conducted by SOAH before a sanction is imposed), Occupations Code.

Repealer: Section 503.402 (Schedule of Sanctions), Occupations Code.

Repealer: Section 503.403 (Temporary License Suspension), Occupations Code.

Repealer: Section 503.404 (Informal Procedures), Occupations Code.

Repealer: Section 503.405 (Monitoring of License Holder), Occupations Code.

Repealer: Section 503.406 (Application of Administrative Procedure Law), Occupations Code.

Repealer: Section 503.451 (Injunction), Occupations Code.

Repealer: Section 503.454 (Cease and Desist Order), Occupations Code.

Repealer: Subchapter K (Administrative Penalty), Chapter 503, Occupations Code.

Repealers: Sections 504.001(5) (relating to the definition of "commissioner") and (7) (relating to the definition of "department"), Occupations Code.

Repealer: Section 504.0515 (General Powers and Duties of Department), Occupations Code.

Repealer: Section 504.053 (Fees; Account), Occupations Code.

Repealer: Section 504.054 (Collection Action), Occupations Code.

Repealer: Section 504.056 (Rules Restricting Advertising or Competitive Bidding), Occupations Code.

Repealer: Subchapter C (Public Interest Information and Complaint Procedures), Chapter 504 (Chemical Dependency Counselors), Occupations Code.

Repealer: Section 504.157 (Examination Results; Reexamination), Occupations Code.

Repealer: Section 504.161 (Criminal History Record Information), Occupations Code.

Repealer: Section 504.203 (License Renewal), Occupations Code.

Repealer: Section 504.204 (Renewal of Expired License of Out-of-State Practitioner), Occupations Code.

Repealer: Section 504.205(a) (relating to the requirement that DSHS recognize, prepare, or administer a continuing education program for chemical dependency counselors and that the executive commissioner provide rules), Occupations Code.

Repealer: Section 504.252 (Disciplinary Powers of Department), Occupations Code.

Repealers: Sections 504.2525(b) (relating to the requirement that DSHS serve notice on the license, registration, or certification holder in order to initiate a proceeding to take action) and (c) (relating to the requirement that the suspension is effective at the time notice is served), Occupations Code.

Repealer: Section 504.253 (Complaint and Investigation), Occupations Code.

Repealer: Section 504.254 (Right to Administrative Hearing), Occupations Code.

Repealer: Subchapter G (Administrative Penalty), Chapter 504, Occupations Code.

Repealer: Subchapter H (Other Penalties and Enforcement Provisions), Chapter 504, Occupations Code.

Repealer: Section 505.005 (Application of Sunset Act), Occupations Code.

Repealer: Section 505.110 (Board Committees), Occupations Code.

Repealer: Subchapter C (Executive Director and Personnel), Chapter 505 (Social Workers), Occupations Code.

Repealer: Section 505.202 (Rules Restricting Advertising or Competitive Bidding), Occupations Code.

Repealer: Section 505.203 (Fees), Occupations Code.

Repealer: Section 505.204 (Board Duties Regarding Complaints), Occupations Code.

Repealer: Section 505.209 (Rules on Consequences of Criminal Conviction), Occupations Code.

Repealer: Section 505.210 (Use of Technology), Occupations Code.

Repealer: Section 505.211 (Negotiated Rulemaking and Alternative Dispute Resolution Policy), Occupations Code.

Repealer: Subchapter E (Public Access Information and Complaint Procedures), Chapter 505, Occupations Code.

Repealer: Section 505.355 (Examination Results), Occupations Code.

Repealer: Section 505.356 (Reexamination), Occupations Code.

Repealer: Section 505.402 (Renewal of License and Order of Recognition of Specialty), Occupations Code.

Repealer: Section 505.403 (Renewal of Expired License by Out-of-State Practitioner), Occupations Code.

Repealer: Section 505.404 (Continuing Education), Occupations Code.

Repealer: Section 505.452 (Conditions of Probation), Occupations Code.

Repealer: Section 505.453 (Emergency Suspension), Occupations Code.

Repealer: Section 505.454(b) (relating to the application of certain sections to a disciplinary proceeding against a person), Occupations Code.

Repealer: Section 505.455 (Procedure; Hearing), Occupations Code.

Repealer: Section 505.456 (Schedule of Sanctions), Occupations Code.

Repealer: Section 505.457 (Informal Procedures), Occupations Code.

Repealer: Section 505.501 (Monitoring of License Holder), Occupations Code.

Repealer: Section 505.503 (Injunction), Occupations Code.

Repealer: Section 505.504 (Civil Penalty), Occupations Code.

Repealer: Section 505.508 (Cease and Desist Order), Occupations Code.

Repealer: Subchapter K (Administrative Penalty), Chapter 505, Occupations Code.

ARTICLE 3. CONFORMING AMENDMENTS

SECTION 3.001. Amends Article 42A.111(d), Code of Criminal Procedure, as follows:

(d) Provides that for any defendant who receives a dismissal and discharge under this article (Community Supervision), if the defendant is an applicant for or the holder of a license to provide mental health or medical services for the rehabilitation of sex offenders, TBHEC, rather than TCSOT, is authorized to consider the fact that the defendant previously has received deferred adjudication community supervision in issuing, renewing, denying, or revoking a license issued by TBHEC, rather than TCSOT.

SECTION 3.002. Amends Article 60.061(a), Code of Criminal Procedure, as follows:

(a) Requires certain entities, including the Texas Medical Board and TBHEC, rather than certain entities, including the Texas State Board of Medical Examiners and TSBEP, only with respect to a person licensed under Chapter 501, Occupations Code, to provide to DPS through certain means a list of certain information for each person licensed by the respective agency.

SECTION 3.003. Amends Article 62.007(a), Code of Criminal Procedure, to require the review committee, to the extent feasible, to include certain members, including at least one member of TCSOT and one sex offender treatment provider registered under Chapter 110, Occupations Code, and selected by TCSOT to serve on the review committee, rather than the executive director of TCSOT and one sex offender treatment provider registered under Chapter 110, Occupations Code, and selected by the executive director of TCSOT to serve on the review committee.

SECTION 3.004. Amends Article 62.352(b), Code of Criminal Procedure, to include TBHEC among entities that use certain restricted information relating to certain respondents who register as sex offenders.

SECTION 3.005. Amends Section 411.110(a), Government Code, to provide that DSHS is entitled to obtain from DPS certain information about a person who is an applicant for employment at, current employee of, or person who contracts or may contract to provide goods or services with a division, rather than TCSOT or other division, or component of DSHS that monitors sexually violent predators as described by Section 841.003(a) (relating to certain criteria making a person a sexually violent predator), Health and Safety Code.

SECTION 3.006. Amends Section 411.122(d), Government Code, as follows:

(d) Deletes existing text of Paragraphs (A) through (K) including certain agencies attached to DSHS as agencies subject to this section. Changes a reference to TSBEP to TBHEC.

SECTION 3.007. Amends Section 2054.2606(a), Government Code, to change a reference to TSBEP to TBHEC.

SECTION 3.008. Amends Section 2054.352(a), Government Code, to make a conforming change.

SECTION 3.009. Amends Section 841.022(a), Health and Safety Code, to require a multidisciplinary team to include a sex offender treatment provider licensed under Chapter 110, Occupations Code, rather than a licensed sex offender treatment provider from TCSOT.

SECTION 3.010. Amends Section 36.132(a)(2), Human Resources Code, to redefine "licensing authority."

SECTION 3.011. Amends Sections 1451.001(4), (9), (10), (11), (18), and (19), Insurance Code, to redefine "chemical dependency counselor," "licensed clinical social worker," "licensed professional counselor," "marriage and family therapist," "psychological associate," and "psychologist."

SECTION 3.012. Amends Section 101.002, Occupations Code, to change a reference to TSBEP to TBHEC and delete existing text providing that one member of the Health Professions Council is appointed from the health licensing division of DSHS. Makes nonsubstantive changes.

ARTICLE 4. TRANSITIONS AND EFFECTIVE DATE

SECTION 4.001. Defines "executive council" and "transferring entity."

SECTION 4.002. (a) Provides that Sections 110.059, 501.059, 502.059, 503.110, and 505.109, Occupations Code, as amended by this Act, except as provided by Subsection (b) of this section, apply to a member of the applicable council or board appointed before, on, or after the effective date of this Act.

(b) Requires a member of a council or board who, before the effective date of this Act, completed the training program required by Section 110.059, 501.059, 502.059, 503.110, or 505.109, Occupations Code, as the applicable law existed before the effective date of this Act, to complete additional training only on the subjects added by this Act to the training program required by Section 110.059, 501.059, 502.059, 503.110, or 505.109, Occupations Code, as applicable. Prohibits a council or board member described by this subsection from voting, deliberating, or being counted as a member in attendance at a meeting of the council or board held on or after December 1, 2017, until the member completes the additional training.

SECTION 4.003. (a) Makes application of Section 501.2525, as redesignated and amended by this Act, prospective.

(b) Makes application of Section 502.252, as amended by this Act, prospective to the date on which rules adopted by TBHEC under that section take effect.

SECTION 4.004. (a) Requires the appropriate appointing authorities, not later than December 1, 2017, to appoint the members of TBHEC as provided by Section 506.051, Occupations Code, as added by this Act.

(b) Requires TSBEP, BMFT, TSBEP, and TSBSWE, notwithstanding the terms established by Section 506.054, Occupations Code, as added by this Act, in making the initial appointments to TBHEC, to each to appoint one member to a term expiring February 1, 2019, and one member to a term expiring February 1, 2020.

SECTION 4.005. (a) Provides that the Texas Behavioral Health Incubation Task Force (task force) is established to assist in the establishment of and transfer of regulatory programs to TBHEC under this Act by providing guidance to TBHEC regarding certain matters and to the transferring entities and TBHEC regarding certain data and the revision of certain rules.

(b) Provides that the task force is composed of certain individuals.

(c) Authorizes the entities represented on the task force to adopt a memorandum of understanding to accomplish the responsibilities and duties of the task force and to ensure access by the entities of any systems and information necessary to effectively transfer the regulatory programs to TBHEC under this Act.

SECTION 4.006. (a) Requires TBHEC, not later than April 1, 2018, to hire an executive director for TBHEC.

(b) Requires TBHEC, not later than July 31, 2018, to adopt procedural rules necessary to implement Chapter 506, Occupations Code, as added by this Act.

SECTION 4.007. (a) Requires TBHEC and the transferring entities, as soon as practicable after the appointment of the members of TBHEC, to adopt a transition plan to provide for the orderly transfer of powers, duties, functions, programs, and activities under this Act. Requires that the transition plan provide for the transfer of each regulatory program to be completed on or before August 31, 2018.

(b) Requires the transferring entities to provide TBHEC with access to any systems or information necessary for TBHEC to accept a program transferred under this Act.

(c) Provides that, on the date specified in the transition plan required under Subsection (a) of this section for the transfer of a particular program to TBHEC, all full-time equivalent employee positions at a transferring entity that primarily concern the administration or enforcement of the program being transferred become positions at TBHEC. Requires TBHEC to post the positions for hiring and, when filling the positions, give consideration to, but is not required to hire, an applicant who, immediately before the date of the transfer, was an employee at a transferring entity primarily involved in administering or enforcing the transferred program.

SECTION 4.008. Provides that, on the date specified in the transition plan required under Section 4.007(a) of this Act for the transfer of a particular program to TBHEC, a rule or fee relating to a transferred program that is in effect on that date remains in effect until changed by TBHEC; a license, registration, certification, or other authorization relating to a transferred program that is in effect on that date is continued in effect as a license, registration, or certification, or other authorization of TBHEC; and a complaint, investigation, contested case, or other proceeding relating to a transferred program that is pending before a transferring entity on that date is transferred without change in status to TBHEC.

SECTION 4.009. Provides that to the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4.010. Effective date: September 1, 2017.