



Texas Department of State Health Services

Texas State Board of Examiners of Professional Counselors

Staff Contact: Kelly Kennedy

H.B. 1283 Truitt, et al. (Carona)

Summary

The Texas State Board of Examiners of Professional Counselors (the Board) was created in 1981 to ensure that Texans receive counseling services from competent, qualified professionals. The Board has three primary functions: license qualified individuals to engage in the practice of professional counseling in Texas; set standards relating to the practice of counseling; and enforce the Licensed Professional Counselor Act, including investigating and resolving complaints. The Board, through its administrative attachment to the Department of State Health Services, licenses about 16,200 professional counselors, with a staff of eight employees and an annual budget of about \$498,000.

The Legislature adopted all of the Sunset Commission's recommendations on the Board to improve the consistency of the licensing process and to make the process fairer and more efficient while still protecting the public. The list below summarizes the major provisions of House Bill 1283, and a more detailed discussion follows.

Sunset Provisions

1. Eliminate the Texas-Specific Exam for Professional Counselors and Update Other Licensing Requirements to Improve Interstate Movement of Professional Counselors.
2. Conform Key Elements of the Board's Licensing and Regulatory Functions to Commonly Applied Licensing Practices.
3. Continue Regulation of Professional Counselors With An Independent Board at the Department of State Health Services for 12 Years.

Provision Added by the Legislature

4. Prohibit Counselor Interns Pursuing a Course of Study in an Art Therapy Program From Using the Designation "Art Therapy Intern."

Sunset Provisions

1. Eliminate the Texas-Specific Exam for Professional Counselors and Update Other Licensing Requirements to Improve Interstate Movement of Professional Counselors.

House Bill 1283 increases national portability for Texas licensees who wish to be licensed in another state, and for out-of-state licensees who seek licensure in Texas. The bill removes the Board's authority to write its own exam, and requires the Board to contract with a nationally recognized organization to develop and administer the exam.

The bill also authorizes the Board to determine the number of graduate hours, and the Legislature added a provision authorizing the Board to determine supervision requirements necessary for licensure. The bill gives the Board flexibility to increase education and experience requirements above current levels to track national trends, but maintains the existing requirements as minimum standards.

2. Conform Key Elements of the Board's Licensing and Regulatory Functions to Commonly Applied Licensing Practices.

House Bill 1283 includes 12 provisions that bring the Board in line with standard licensing agency practices, including the following.

- Clarifies that the Board must address felony and misdemeanor convictions in the standard manner defined in the Occupations Code.
- Removes exemptions from temporary licensure requirements.
- Removes subjective exam provisions from the Professional Counselor Act.
- Requires applicants to pass a jurisprudence exam as a condition of licensure.
- Removes exemptions from the Professional Counselor Act for non-Texas residents to practice without temporary licensure.
- Requires the Board to base delinquent license renewal fees on the normally required renewal fee.
- Requires the Board to include a public member on complaint committees.
- Requires the Board to have penalty matrices with dollar amounts associated with violations.
- Authorizes the Board to provide for refunds by licensees to the consumer as part of the settlement conference process.
- Authorizes the Board to issue cease-and-desist orders against unlicensed activity.
- Removes authority for Board members to receive payments for attendance at meetings.
- Clarifies the Board's authority to appoint Board committees, but only composed of Board members, and removes the authority for the Board to delegate its authority to a single member.

3. Continue Regulation of Professional Counselors With An Independent Board at the Department of State Health Services for 12 Years.

This provision continues the Board at the Department of State Health Services for the standard 12-year period.

Provision Added by the Legislature _____

4. Prohibit Counselor Interns Pursuing a Course of Study in an Art Therapy Program From Using the Designation “Art Therapy Intern.”

The Legislature adopted a provision that ensures art therapy students are not allowed to use the title “intern,” a title that other counseling students may not use. This provision does not prevent a counselor intern from completing the necessary training to specialize in art therapy.

Fiscal Implication Summary _____

Changing the basis of the late renewal penalties will result in a loss to the General Revenue Fund of \$12,654 per year.

<i>Fiscal Year</i>	<i>Loss to the General Revenue Fund</i>
2006	\$12,654
2007	\$12,654
2008	\$12,654
2009	\$12,654
2010	\$12,654

