

By: Romero, Jr.

H.B. No. 2818

A BILL TO BE ENTITLED

AN ACT

relating to the practice of and the billing codes used by certain mental health professionals.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 502, Occupations Code, is amended by adding Section 502.0021 to read as follows:

Sec. 502.0021. PRACTICE OF MARRIAGE AND FAMILY THERAPY.

(a) In this section, "marriage and family therapy" means the provision of professional therapy services to individuals, families, or couples, alone or in groups, that involve applying family systems theories and techniques, including the evaluation and remediation of cognitive, affective, behavioral, or relational dysfunction in the context of marriage or family systems.

(b) The practice of marriage and family therapy may include the use of the Diagnostic and Statistical Manual of Mental Disorders, the International Classification of Diseases, and other diagnostic classification systems and the use of billing codes in connection with those systems for assessment, evaluation, classification, treatment, and other activities by a person licensed under this chapter, in connection with a claim for payment or reimbursement from a health insurance policy issuer or other payor.

(c) The practice of marriage and family therapy does not include prescribing medication, treating a physical disease, or

1 providing any service outside the scope of practice of a licensed
2 marriage and family therapist or licensed marriage and family
3 therapist associate.

4 SECTION 2. Section 503.003, Occupations Code, is amended by
5 adding Subsections (d) and (e) to read as follows:

6 (d) The practice of professional counseling may include the
7 use of the Diagnostic and Statistical Manual of Mental Disorders,
8 the International Classification of Diseases, and other diagnostic
9 classification systems and the use of billing codes in connection
10 with those systems for assessment, evaluation, classification,
11 treatment, and other activities by a person licensed under this
12 chapter, in connection with a claim for payment or reimbursement
13 from a health insurance policy issuer or other payor.

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

18 SECTION 3. Subchapter A, Chapter 504, Occupations Code, is
19 amended by adding Section 504.0011 to read as follows:

20 Sec. 504.0011. PRACTICE OF CHEMICAL DEPENDENCY COUNSELING.

21 (a) The practice of chemical dependency counseling may include the
22 use of the Diagnostic and Statistical Manual of Mental Disorders,
23 the International Classification of Diseases, and other diagnostic
24 classification systems and the use of billing codes in connection
25 with those systems for assessment, evaluation, classification,
26 treatment, and other activities by a person licensed under this
27 chapter, in connection with a claim for payment or reimbursement

1 from a health insurance policy issuer or other payor.

2 (b) The practice of chemical dependency counseling does not
3 include prescribing medication, treating a physical disease, or
4 providing any service outside the scope of practice of a chemical
5 dependency counselor.

6 SECTION 4. Section 21.003(b), Education Code, is amended to
7 read as follows:

8 (b) Except as otherwise provided by this subsection, a
9 person may not be employed by a school district as an audiologist,
10 occupational therapist, physical therapist, physician, nurse,
11 school psychologist, associate school psychologist, licensed
12 professional counselor, marriage and family therapist, social
13 worker, or speech language pathologist unless the person is
14 licensed by the state agency that licenses that profession and may
15 perform specific services within those professions for a school
16 district only if the person holds the appropriate credential from
17 the appropriate state agency. As long as a person employed by a
18 district before September 1, 2011, to perform marriage and family
19 therapy under Chapter 502 [~~as defined by Section 502.002~~],
20 Occupations Code, is employed by the same district, the person is
21 not required to hold a license as a marriage and family therapist to
22 perform marriage and family therapy with that district.

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

25 SECTION 6. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect September 1, 2017.