

TCA Advocacy Alert

February 24, 2017

SB 1022 and Texas Supreme Court Ruling

CALL TO ACTION ON [SB 1022](#): Senator Jane Nelson filed SB 1022 to move to the Texas Department of Licensing and Regulation (TDLR) the Texas State Board of Examiners of Professional Counselors, the Texas State Board of Examiners of Marriage and Family Therapists, the Texas Board of Social Worker Examiners as well as regulation of Licensed Chemical Dependency Counselors and Licensed Sex Offender Treatment Providers. TCA OPPOSES [SB 1022](#).

ACTION:

- Contact Senator Jane Nelson at [512-463-0112](tel:512-463-0112) or jane.nelson@senate.texas.gov to express your OPPOSITION to SB 1022.
- Contact YOUR State Senator to express your opposition to [SB 1022](#). Go to <http://www.fyi.legis.state.tx.us> to find out who represents you.
- Speak from your heart. Personalize the talking points below.
- Share this Action Alert with your colleagues, friends and allies.

TALKING POINTS:

- **SB 1022 does not align with the [recommendations of the Sunset Commission](#)** to establish the Behavioral Health Executive Council to ensure effective and appropriate regulation of Licensed Professional Counselors, Social Workers, Licensed Marriage and Family Therapists and Psychologists as well as Licensed Chemical Dependency Counselors and Licensed Sex Offender Treatment Providers.
- **SB 1022 disregards the thoughtful consideration and months of work by the Senators, Representatives and Public Members who serve on the Sunset Commission.** The Sunset Commission determined that the Texas Department of Licensure and Regulation is not a good fit for regulating behavioral health professionals.
- **TDLR by its own admission is not ready to add regulation of behavioral and mental health professionals.** None of the occupations regulated by TDLR work with fragile individuals struggling to overcome devastating psychological, social and emotional challenges. A move to TDLR will not resolve access to care or regulatory challenges.
- **Oversight by credentialed professionals is an industry standard for health and mental health professionals.** The Texas Department of Licensing and Regulation has NO experience working with mental health professionals who hold graduate degrees and complete more than 3,000 of post-graduate supervision. Oversight of behavioral and mental health professionals is beyond the scope of TDLR.
- **Legislation to create the Behavioral Health Executive Council is being drafted.** Please support the Sunset Commission recommendations and the behavioral and mental health professionals in your community by opposing SB 1022.

GREAT NEWS: The Texas Supreme Court ruled that “. . . the Therapists Act authorizes MFTs (Marriage and Family Therapists) to provide diagnostic assessments as the Therapists Board’s rule 801.42(13) permits.” They further ruled that “That the diagnosis of physical and mental diseases and disorders lies within the province of physicians does not preclude MFTs from making diagnostic assessments of emotional, mental and behavioral problems as part of their efforts to evaluate and remediate mental dysfunction within the marriage and family setting.” You can read the complete opinion by [clicking here](#).