

- SUBJECT:** Licensing of chemical dependency counselors and interns
- COMMITTEE:** Public Health — committee substitute recommended
- VOTE:** 9 ayes — Gray, Coleman, Capelo, Delisi, Glaze, Longoria, Maxey, Uresti, Wohlgemuth  
0 nays
- WITNESSES:** For — *Registered but did not testify:* Leticia Moreno Caballero, Texas Academy of Internal Medicine  
Against — None  
On — Jay Kimbrough, Texas Commission on Alcohol and Drug Abuse
- BACKGROUND:** Government Code, sec. 504.161 allows the Texas Commission on Alcohol and Drug Abuse (TCADA) to obtain criminal history record information and to consider that information in determining the status of a person's license for chemical dependency counseling. This does not apply to a student, intern, or trainee pursuing a supervised course of study in counseling, if the person is designated as a counselor intern.
- DIGEST:** CSHB 2383 would allow TCADA to obtain criminal history record information from the Texas Department of Public Safety and the Federal Bureau of Investigation on chemical dependency students, interns, and trainees. TCADA could adopt rules necessary to implement this authority, including rules restricting the ability of students, interns, and trainees to engage in chemical dependency counseling if they had been convicted or placed on community supervision for conviction of a Class B misdemeanor during the five years before the date of license application or for an offense equal to or greater than a Class A misdemeanor.
- TCADA could refuse to issue a license to an applicant who had been:
- ! convicted of or placed on community supervision for a Class B misdemeanor during the five years preceding the application date;

- ! convicted of or placed on community supervision for an offense equal to or greater than a Class A misdemeanor; or
- ! found by a court to be incapacitated on the basis of a mental defect or disease.

An applicant could not be denied a license if the applicant had received a full pardon based on wrongful conviction or if the applicant had been found by a court no longer to be incapacitated.

TCADA could obtain an applicant's criminal history record and deny an application if the applicant failed to provide two complete sets of fingerprints on a form prescribed by the commission. The issuance of a license would be conditioned on TCADA's receiving the applicant's criminal history record information.

TCADA would have to refuse to renew a license if the commission received information that the person had been convicted, placed on community service, or found to be incapacitated. TCADA would have to suspend a person's license if it received written notice that the license holder had been charged, indicted, placed on deferred adjudication, community supervision, probation, or convicted of an offense. The suspension would take effect at the time noticed was served. The license holder could appeal the suspension.

A person could appeal certain license denials, refusals to renew, and suspensions on grounds that the sole basis for TCADA's determination was a conviction or placement on community supervision for an offense that had occurred more than 20 years previously. After a hearing, TCADA could determine whether the person was entitled to a license.

The bill would take effect September 1, 2001.

NOTES:

The committee substitute added the provisions allowing TCADA to obtain criminal history record information for applicants for counselor interns and allowing TCADA to adopt rules restricting the practice of interns found to have been convicted or placed on community supervision. The substitute

deleted a provision that would have allowed TCADA to suspend a license on an emergency basis without notice or hearing.