

OCCUPATIONS CODE

TITLE 3. HEALTH PROFESSIONS

SUBTITLE I. REGULATION OF PSYCHOLOGY AND COUNSELING

CHAPTER 507. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 507.001. DEFINITIONS. In this chapter:

(1) "Executive council" means the Texas Behavioral Health Executive Council.

(2) "License" means a license, certification, registration, or other authorization that is issued by the executive council.

(3) "Marriage and family therapy board" means the Texas State Board of Examiners of Marriage and Family Therapists.

(4) "Professional counseling board" means the Texas State Board of Examiners of Professional Counselors.

(5) "Psychology board" means the Texas State Board of Examiners of Psychologists.

(6) "Social work board" means the Texas State Board of Social Worker Examiners.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.002. APPLICATION OF SUNSET ACT. The Texas Behavioral Health Executive Council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the executive council is abolished and this chapter and Chapters 501, 502, 503, and 505 expire September 1, 2029.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

SUBCHAPTER B. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

Sec. 507.051. EXECUTIVE COUNCIL MEMBERSHIP. (a) The Texas Behavioral Health Executive Council consists of nine members as

follows:

(1) one marriage and family therapist member and one public member of the marriage and family therapy board, each appointed by that board;

(2) one licensed professional counselor member and one public member of the professional counseling board, each appointed by that board;

(3) one psychologist member and one public member of the psychology board, each appointed by that board;

(4) one social worker member and one public member of the social work board, each appointed by that board; and

(5) one public member appointed by the governor.

(b) Appointments to the executive council shall be made without regard to the race, color, disability, sex, age, religion, or national origin of the appointee.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.052. ELIGIBILITY OF PUBLIC MEMBER APPOINTED BY GOVERNOR. A person is not eligible for appointment by the governor as a public member of the executive council if the person or the person's spouse:

(1) is registered, certified, or licensed by an occupational regulatory agency in the field of health care;

(2) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the executive council, the marriage and family therapy board, the professional counseling board, the psychology board, or the social work board;

(3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the executive council, the marriage and family therapy board, the professional counseling board, the psychology board, or the social work board;
or

(4) uses or receives a substantial amount of tangible goods, services, or money from the executive council, the marriage

and family therapy board, the professional counseling board, the psychology board, or the social work board, other than compensation or reimbursement authorized by law for executive council, marriage and family therapy board, professional counseling board, psychology board, or social work board membership, attendance, or expenses.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.053. MEMBERSHIP AND EMPLOYEE RESTRICTIONS.

(a) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be a member of the executive council and may not be an executive council 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:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of health care; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of health care.

(c) A person may not be a member of the executive council or act as the general counsel to the executive council if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the executive council, the marriage and family therapy board, the professional counseling board, the psychology board, or the social work board.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.054. TERMS; VACANCY. (a) The member appointed by the governor serves a six-year term. The remaining members serve two-year terms with the terms of four of those members expiring February 1 of each year.

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

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.055. PRESIDING OFFICER. The member appointed by the governor is the presiding officer of the executive council.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.056. GROUNDS FOR REMOVAL. (a) It is a ground for removal from the executive council that a member:

(1) does not have at the time of taking office the qualifications required by Section 507.051;

(2) does not maintain during service on the executive council the qualifications required by Section 507.051;

(3) is ineligible for membership under Section 507.052 or 507.053;

(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

(5) is absent from more than half of the regularly scheduled executive council meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the executive council.

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

(c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the executive council of the potential ground. The presiding officer shall then notify the appointing authority and the attorney general that a potential ground for

removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the executive council, who shall then notify the appointing authority and the attorney general that a potential ground for removal exists.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.057. REIMBURSEMENT. A member of the executive council may receive reimbursement for travel expenses as provided by the General Appropriations Act.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.058. MEETINGS. (a) The executive council shall hold at least two regular meetings each year.

(b) The executive council may hold additional meetings on the request of the presiding officer or on the written request of three members of the executive council.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.059. TRAINING. (a) A person who is appointed to and qualifies for office as a member of the executive council may not vote, deliberate, or be counted as a member in attendance at a meeting of the executive council until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

- (1) the law governing executive council operations;
- (2) the programs, functions, rules, and budget of the executive council;
- (3) the scope of and limitations on the rulemaking authority of the executive council;
- (4) the types of executive council rules, interpretations, and enforcement actions that may implicate federal antitrust law by limiting competition or impacting prices

charged by persons engaged in a profession or business the executive council regulates, including any rule, interpretation, or enforcement action that:

(A) regulates the scope of practice of persons in a profession or business the executive council regulates;

(B) restricts advertising by persons in a profession or business the executive council regulates;

(C) affects the price of goods or services provided by persons in a profession or business the executive council regulates; or

(D) restricts participation in a profession or business the executive council regulates;

(5) the results of the most recent formal audit of the executive council;

(6) the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosure of conflicts of interest; and

(B) other laws applicable to members of the executive council in performing their duties; and

(7) any applicable ethics policies adopted by the executive council or the Texas Ethics Commission.

(c) A person appointed to the executive council 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) The executive director of the executive council shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each executive council member. Each member of the executive council shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. [1501](#)), Sec. 1.001, eff. September 1, 2019.

SUBCHAPTER C. EXECUTIVE DIRECTOR AND OTHER PERSONNEL

Sec. 507.101. EXECUTIVE DIRECTOR; PERSONNEL. The executive council shall employ an executive director and other personnel as necessary to administer this chapter and carry out the functions of the executive council.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.102. DIVISION OF RESPONSIBILITIES. The executive council shall develop and implement policies that clearly separate the policymaking responsibilities of the executive council and the management responsibilities of the executive director and the staff of the executive council.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.103. CAREER LADDER PROGRAM; PERFORMANCE EVALUATIONS. (a) The executive director or the executive director's designee shall develop an intra-agency career ladder program. The program must require intra-agency posting of all nonentry level positions concurrently with any public posting.

(b) The executive director or the executive director's designee shall develop a system of annual performance evaluations based on measurable job tasks. All merit pay for executive council employees must be based on the system established under this subsection.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.104. EQUAL OPPORTUNITY POLICY; REPORT. (a) The executive director or the executive director's designee shall 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. The policy statement must include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, appointment, training, and promotion of personnel, that are in compliance with the requirements of Chapter 21, Labor Code;

(2) a comprehensive analysis of the executive council workforce that meets federal and state guidelines;

(3) procedures by which a determination can be made of significant underuse in the executive council workforce of all persons for whom federal or state guidelines encourage a more equitable balance; and

(4) reasonable methods to appropriately address those areas of significant underuse.

(b) A policy statement prepared under Subsection (a) must:

(1) cover an annual period;

(2) be updated annually;

(3) be reviewed by the Texas Workforce Commission for compliance with Subsection (a)(1); and

(4) be filed with the governor.

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

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

SUBCHAPTER D. POWERS AND DUTIES

Sec. 507.151. GENERAL POWERS AND DUTIES. (a) The executive council shall administer and enforce this chapter and Chapters 501, 502, 503, and 505.

(b) In carrying out its duties under this section, the executive council may request input or assistance from the board for the applicable profession.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.152. GENERAL RULEMAKING AUTHORITY. The executive

council shall adopt rules as necessary to perform its duties and implement this chapter.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.153. LIMITATION REGARDING CERTAIN RULES.

(a) Unless the rule has been proposed by the applicable board for the profession, the executive council may not adopt under this chapter or Chapter 501, 502, 503, or 505:

(1) a rule regarding:

(A) the qualifications necessary to obtain a license, including limiting an applicant's eligibility for a license based on the applicant's criminal history;

(B) the scope of practice of and standards of care and ethical practice for the profession; or

(C) continuing education requirements for license holders; or

(2) a schedule of sanctions for violations of the laws and rules applicable to the profession.

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

(c) The executive council retains authority for final adoption of all rules and is responsible for ensuring compliance with all laws regarding the rulemaking process.

(d) The executive council shall adopt rules prescribing the procedure by which rules described by Subsection (a) may be proposed to the executive council.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.154. FEES. The executive council shall set fees in amounts reasonable and necessary to cover the costs of administering this chapter and Chapters 501, 502, 503, and 505,

including fees for:

- (1) licenses issued by the executive council;
- (2) license renewals and late renewals;
- (3) examinations; and
- (4) any other program or activity administered by the

executive council for which a fee is authorized.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.155. RULES RESTRICTING ADVERTISING OR COMPETITIVE BIDDING. (a) The executive council may not adopt rules restricting advertising or competitive bidding by a person regulated by the executive council except to prohibit false, misleading, or deceptive practices.

(b) The executive council may not include in rules to prohibit false, misleading, or deceptive practices by a person regulated by the executive council a rule that:

(1) restricts the person's use of any advertising medium;

(2) restricts the person's personal appearance or use of the person's voice in an advertisement;

(3) relates to the size or duration of an advertisement by the person; or

(4) restricts the use of a trade name in advertising by the person.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.156. RULES ON CONSEQUENCES OF CRIMINAL CONVICTION. The executive council shall adopt rules and guidelines as necessary to comply with Chapter 53.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.157. CONTINUING EDUCATION. The executive council shall recognize, prepare, or administer continuing education programs for license holders. A license holder must participate in

the programs to the extent required by the executive council to keep the person's license.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.158. USE OF TECHNOLOGY. The executive council shall implement a policy requiring the executive council to use appropriate technological solutions to improve the executive council's ability to perform its functions. The policy must ensure that the public is able to interact with the executive council on the Internet.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.159. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION POLICY. (a) The executive council shall develop a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of executive council rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the executive council's jurisdiction.

(b) The executive council's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The executive council shall:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) provide training as needed to implement the procedures for negotiated rulemaking and alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.160. ANNUAL REGISTRY. (a) The executive council shall annually prepare a registry of all license holders.

(b) The executive council shall make the registry available to the public, license holders, and other state agencies.

(c) The executive council may not include the home address of a license holder in a registry the executive council publishes on the executive council's Internet website unless the person requests that the person's home address appear in the registry on the website. A request under this subsection must be made in the manner prescribed by the executive council.

(d) The home address of a license holder that is included in a registry the executive council prepares under this section is public information and is not excepted from required disclosure under Chapter 552, Government Code.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

SUBCHAPTER E. PUBLIC INTEREST INFORMATION AND COMPLAINT PROCEDURES

Sec. 507.201. PUBLIC INTEREST INFORMATION. (a) The executive council shall prepare information of public interest describing the functions of the executive council and the procedures by which complaints are filed with and resolved by the executive council.

(b) The executive council shall make the information available to the public and appropriate state agencies.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.202. COMPLAINTS. (a) The executive council by rule shall establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of the executive council for the purpose of directing complaints to the executive council. The executive council may

provide for that notice:

(1) on each registration form, application, or written contract for services of a person regulated by the executive council;

(2) on a sign prominently displayed in the place of business of a person regulated by the executive council; or

(3) in a bill for services provided by a person regulated by the executive council.

(b) The executive council shall 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 the executive council.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.203. INFORMATION ABOUT COMPLAINT ACTIONS.

(a) The executive council shall maintain a system to promptly and efficiently act on complaints filed with the executive council. The executive council shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) The executive council shall make information available describing its procedures for complaint investigation and resolution.

(c) The executive council shall periodically notify the parties to a complaint of the status of the complaint until final disposition of the complaint.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.204. GENERAL RULES REGARDING COMPLAINT INVESTIGATION.

(a) The executive council shall adopt rules concerning the investigation of a complaint filed with the executive council. The rules adopted under this section must:

(1) distinguish between categories of complaints;

(2) ensure that a complaint is not dismissed without

appropriate consideration;

(3) require that the executive council be advised of a complaint that is dismissed and that a letter be sent to the person who filed the complaint explaining the action taken on the complaint;

(4) ensure that the person who files a complaint has an opportunity to explain the allegations made in the complaint; and

(5) prescribe guidelines concerning the categories of complaints that require the use of a private investigator and prescribe the procedures for the executive council to obtain the services of a private investigator.

(b) The executive council shall:

(1) dispose of a complaint in a timely manner; and

(2) establish a schedule for conducting each phase of the disposition of a complaint that is under the control of the executive council not later than the 30th day after the date the executive council receives the complaint.

(c) The executive council shall notify the parties to a complaint of the projected time requirements for pursuing the complaint.

(d) The executive council shall notify the parties to a complaint of any change in the schedule not later than the seventh day after the date the change is made.

(e) The executive director shall notify the executive council of a complaint that is unresolved after the time prescribed by the executive council for resolving the complaint so that the executive council may take necessary action on the complaint.

(f) The executive council shall assign priorities and investigate complaints based on:

(1) the severity of the conduct alleged in the complaint; and

(2) the degree of harm to public health and safety.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. [1501](#)), Sec. 1.001, eff. September 1, 2019.

Sec. 507.205. CONFIDENTIALITY OF COMPLAINT INFORMATION.

(a) Except as provided by Subsection (b), a complaint and

investigation and all information and materials compiled by the executive council in connection with the complaint and investigation are not subject to:

- (1) disclosure under Chapter 552, Government Code; or
- (2) disclosure, discovery, subpoena, or other means of legal compulsion for release of information to any person.

(b) A complaint or investigation subject to Subsection (a) and all information and materials compiled by the executive council in connection with the complaint may be disclosed to:

- (1) the executive council and executive council employees or agents involved in license holder discipline;
- (2) a party to a disciplinary action against the license holder or that party's designated representative;
- (3) the board for the applicable profession;
- (4) a law enforcement agency;
- (5) a governmental agency, if:
 - (A) the disclosure is required or permitted by law; and
 - (B) the agency obtaining the disclosure protects the identity of any patient whose records are examined; or
- (6) a person engaged in bona fide research, if all information identifying a specific individual has been deleted.

(c) Unless good cause for delay is shown to the presiding officer at the hearing, the executive council shall provide the license holder with access to all information that the executive council intends to offer into evidence at the hearing not later than the 30th day after the date the executive council receives a written request from a license holder who is entitled to a hearing under this chapter or from the license holder's attorney of record.

(d) The executive council shall 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:

- (1) initiates the disciplinary action; or
- (2) has submitted a written consent to release the records.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec.

1.001, eff. September 1, 2019.

Sec. 507.206. SUBPOENAS. (a) In the investigation of a complaint filed with the executive council, the executive director or presiding officer of the executive council may 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) A subpoena may be served personally or by certified mail.

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

(d) On finding that good cause exists for issuing the subpoena, the court shall order the person to comply with the subpoena. The court may punish a person who fails to obey the court order.

(e) The executive council shall pay a reasonable fee for photocopies subpoenaed under this section in an amount not to exceed the amount the executive council may charge for copies of its records.

(f) The reimbursement of the expenses of a witness whose attendance is compelled under this section is governed by Section [2001.103](#), Government Code.

(g) Information and materials subpoenaed or compiled by the executive council in connection with the investigation of a complaint may be disclosed only as provided by Section [507.205](#).

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. [1501](#)), Sec. 1.001, eff. September 1, 2019.

Sec. 507.207. PUBLIC PARTICIPATION. The executive council shall develop and implement policies that provide the public with a reasonable opportunity to appear before the executive council and to speak on any issue under the jurisdiction of the executive council.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

SUBCHAPTER F. GENERAL LICENSING PROVISIONS

Sec. 507.251. CRIMINAL HISTORY RECORD INFORMATION FOR LICENSE ISSUANCE. (a) The executive council shall require that an applicant for a license submit a complete and legible set of fingerprints, on a form prescribed by the executive council, to the executive council or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(b) The executive council may not issue a license to a person who does not comply with the requirement of Subsection (a).

(c) The executive council shall conduct a criminal history record information check of each applicant for a license using information:

- (1) provided by the individual under this section; and
- (2) made available to the executive council by the Department of Public Safety, the Federal Bureau of Investigation, and any other criminal justice agency under Chapter 411, Government Code.

(d) The executive council may:

(1) enter into an agreement with the Department of Public Safety to administer a criminal history record information check required under this section; and

(2) authorize the Department of Public Safety to collect from each applicant the costs incurred by the Department of Public Safety in conducting the criminal history record information check.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.252. EXAMINATION RESULTS. (a) The executive council shall notify each examinee of the results of an examination not later than the 30th day after the date the examination is

administered. If an examination is graded or reviewed by a national testing service, the executive council shall notify each examinee of the results of the examination not later than the 14th day after the date the executive council receives the results from the testing service.

(b) 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, the executive council shall notify each examinee of the reason for the delay before the 90th day.

(c) If requested in writing by a person who fails an examination, the executive council shall provide to the person an analysis of the person's performance on the examination.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.253. REEXAMINATION. The executive council by rule shall establish:

(1) a limit on the number of times an applicant for a license who fails an examination may retake the examination; and

(2) the requirements for retaking an examination.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.254. FORM OF LICENSE. A license issued by the executive council must include the name of the board applicable to the license holder.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.255. LICENSE RENEWAL. (a) A person who is otherwise eligible to renew a license may renew an unexpired license by paying the required renewal fee to the executive council before the expiration date of the license.

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

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

(d) If the person's license has been expired for one year or more, the person may not renew the license. The person may obtain a new license by submitting to reexamination and complying with the requirements and procedures for obtaining an original license. Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.256. RENEWAL OF EXPIRED LICENSE OF OUT-OF-STATE PRACTITIONER. (a) The executive council may 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) The person must pay to the executive council a fee in an amount equal to two times the required renewal fee for the license. Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.257. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR LICENSE RENEWAL. (a) An applicant renewing a license issued under this chapter shall 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 507.251.

(b) The executive council may administratively suspend or refuse to renew the license of a person who does not comply with the requirement of Subsection (a).

(c) 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:

- (1) Section 507.251 for the initial issuance of the license; or
- (2) this section as part of a prior license renewal.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.258. SEARCH OF NATIONAL PRACTITIONER DATABASE. The executive council shall 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.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.259. ASSISTANCE IN LICENSING DETERMINATIONS. The executive council shall adopt rules establishing the manner in which the executive council will solicit input from and request the assistance of the applicable board for a profession regulated by the executive council when the executive council is considering an application for the issuance or renewal of a license that involves an issue related to standards of care or an applicant's professional qualifications.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

SUBCHAPTER G. DISCIPLINARY ACTIONS AND PROCEDURES

Sec. 507.301. DISCIPLINARY ACTIONS. (a) The executive council may deny, revoke, suspend, or refuse to renew a license or may reprimand a license holder if the applicant or license holder violates:

- (1) this chapter;
- (2) a law of this state regulating the license holder's profession;
- (3) an executive council rule; or
- (4) a statute or rule of another state as determined through a search conducted as provided by Section 507.258 if the violation would constitute a violation described by Subdivision (1), (2), or (3) had it occurred in this state.

(b) The executive council may place on probation a person whose license is suspended. If a license suspension is probated, the executive council may require the person to:

(1) report regularly to the executive council on matters that are the basis of the probation;

(2) limit the person's practice to the areas prescribed by the executive council; or

(3) continue or review continuing professional education until the person attains a degree of skill satisfactory to the executive council in those areas that are the basis for the probation.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.302. TEMPORARY SUSPENSION. (a) The executive council or a three-member committee of executive council members designated by the executive council shall temporarily suspend the license of a license holder if the executive council or 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) A license may be suspended under this section without notice or hearing on the complaint if:

(1) action is taken to initiate proceedings for a hearing before the State Office of Administrative Hearings simultaneously with the temporary suspension; and

(2) a hearing is held as soon as practicable under this chapter and Chapter 2001, Government Code.

(c) The State Office of Administrative Hearings shall 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. A final hearing on the matter shall be held not later than the 61st day after the date of the temporary suspension.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.303. HEARING; ADMINISTRATIVE PROCEDURE. (a) A license holder is entitled to a hearing before the State Office of Administrative Hearings before a sanction is imposed under this subchapter.

(b) A proceeding under this subchapter is governed by Chapter 2001, Government Code.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.304. SCHEDULE OF SANCTIONS. (a) The executive council by rule shall adopt a broad schedule of sanctions.

(b) The State Office of Administrative Hearings shall use the schedule for any sanction imposed under this subchapter as the result of a hearing conducted by that office.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.305. INFORMAL PROCEEDINGS. (a) The executive council by rule shall adopt procedures governing:

(1) informal disposition of a contested case under Section 2001.056, Government Code; and

(2) an informal proceeding held in compliance with Section 2001.054, Government Code.

(b) Rules adopted under this section must:

(1) provide the complainant and the license holder with an opportunity to be heard; and

(2) require the presence of a member of the executive council's legal staff or an attorney employed by the attorney general to advise the executive council or the executive council's employees.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.306. ASSISTANCE IN DISCIPLINARY PROCEEDINGS.

(a) The executive council shall adopt rules establishing the manner in which the executive council will solicit input from and request the assistance of the applicable board for a profession

regulated by the executive council, regarding a disciplinary proceeding before the executive council involving an issue or complaint related to standards of care or ethical practice.

(b) Rules adopted under this section must include a process for referring a complaint to the applicable board if the complaint alleges:

(1) a substantive violation of a standard of care or ethical guideline for the profession; or

(2) an act of a license holder that violates the profession's scope of practice.

(c) On receiving a recommended disposition of a complaint from the applicable board, the executive council shall adopt the recommended disposition unless the executive council determines that:

(1) the recommended disposition would:

(A) have an anti-competitive effect;

(B) result in an administrative inconsistency;

or

(C) raise concerns relating to good governance practices; or

(2) any recommended disciplinary penalty would deviate substantially from the schedule of sanctions for the applicable profession.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

SUBCHAPTER H. ADMINISTRATIVE PENALTY

Sec. 507.351. IMPOSITION OF ADMINISTRATIVE PENALTY. The executive council may impose an administrative penalty on a person licensed or regulated by the executive council if the person violates this chapter, a law regulating the applicable profession, or an executive council rule.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.352. AMOUNT OF PENALTY. (a) The amount of an

administrative penalty may not exceed \$5,000 for each violation. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

(b) The amount of the penalty must be based on:

(1) the seriousness of the violation, including:

(A) the nature, circumstances, extent, and gravity of any prohibited act; and

(B) the hazard or potential hazard created to the health, safety, or economic welfare of the public;

(2) the economic harm to property or the environment caused by the violation;

(3) the history of previous violations;

(4) the amount necessary to deter a future violation;

(5) efforts made to correct the violation; and

(6) any other matter that justice may require.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.353. NOTICE OF VIOLATION AND PENALTY. If the executive council determines that a violation occurred, the executive council shall give written notice of the violation to the person alleged to have committed the violation. The notice may be given by certified mail. The notice must:

(1) include a brief summary of the alleged violation;

(2) state the amount of the administrative penalty recommended by the executive council; and

(3) inform the person of the person's right to a hearing on the occurrence of the violation, the amount of the penalty, or both.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.354. PENALTY TO BE PAID OR HEARING REQUESTED.

(a) Not later than the 20th day after the date the person receives the notice under Section 507.353, the person may in writing:

(1) accept the executive council's determination and recommended administrative penalty; or

(2) request a hearing on the occurrence of the violation, the amount of the penalty, or both.

(b) If the person accepts the executive council's determination and recommended penalty, the executive council shall issue an order and impose the recommended penalty.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.355. HEARING. (a) If the person requests a hearing or fails to respond in a timely manner to the notice under Section 507.353, the executive council shall set a hearing and give written notice of the hearing to the person.

(b) An administrative law judge of the State Office of Administrative Hearings shall hold the hearing.

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

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.356. DECISION BY EXECUTIVE COUNCIL. (a) Based on the findings of fact, conclusions of law, and proposal for a decision, the executive council by order may determine that:

(1) a violation occurred and impose an administrative penalty; or

(2) a violation did not occur.

(b) The executive council shall give notice of the order to the person. The notice must include a statement of the right of the person to judicial review of the order.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.357. OPTIONS FOLLOWING DECISION: PAY OR APPEAL. (a) Not later than the 30th day after the date the executive council's order becomes final, the person shall:

(1) pay the administrative penalty; or

(2) file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both.

(b) Within the 30-day period prescribed by Subsection (a), a person who files a petition for judicial review may:

(1) stay enforcement of the penalty by:

(A) paying the penalty to the court for placement in an escrow account; or

(B) giving to the court a supersedeas bond approved by the court that is:

(i) for the amount of the penalty; and

(ii) effective until judicial review of the executive council's order is final; or

(2) request the court to stay enforcement of the penalty by:

(A) filing with the court a sworn affidavit of the person stating that the person is financially unable to pay the penalty and is financially unable to give the supersedeas bond; and

(B) giving a copy of the affidavit to the executive council by certified mail.

(c) If the executive council receives a copy of an affidavit under Subsection (b)(2), the executive council may file with the court a contest to the affidavit not later than the fifth day after the date the copy is received.

(d) The court shall hold a hearing on the facts alleged in the affidavit as soon as practicable and shall stay the enforcement of the penalty on finding that the alleged facts are true. 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.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.358. COLLECTION OF PENALTY. If the person does not pay the administrative penalty and enforcement of the penalty is not stayed, the executive council may refer the matter to the attorney general for collection of the penalty.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec.

1.001, eff. September 1, 2019.

Sec. 507.359. DETERMINATION BY COURT. (a) If the court sustains the determination that a violation has occurred, the court may uphold or reduce the amount of the administrative penalty and order the person to pay the full or reduced amount of the penalty.

(b) If the court does not sustain the determination that a violation occurred, the court shall order that a penalty is not owed.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.360. REMITTANCE OF PENALTY AND INTEREST. (a) If, after judicial review, the administrative penalty is reduced or not imposed by the court, the court shall, after the judgment becomes final:

(1) order that the appropriate amount, plus accrued interest, be remitted to the person if the person paid the penalty; or

(2) order the release of the bond:

(A) if the person gave a supersedeas bond and the penalty is not imposed; or

(B) after the person pays the penalty if the person gave a supersedeas bond and the penalty is reduced.

(b) The interest paid under Subsection (a)(1) is the rate charged on loans to depository institutions by the New York Federal Reserve Bank. The interest shall be paid for the period beginning on the date the penalty is paid and ending on the date the penalty is remitted.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.361. ADMINISTRATIVE PROCEDURE. A proceeding under this subchapter is subject to Chapter 2001, Government Code.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

SUBCHAPTER I. OTHER PENALTIES AND ENFORCEMENT PROVISIONS

Sec. 507.401. INJUNCTION. (a) In addition to any other action authorized by law, the executive council may institute an action to enjoin a violation of this chapter, a law regulating the applicable profession, or an executive council rule.

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

(c) The attorney general or the appropriate county or district attorney shall represent the executive council in an action under this section.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.402. CIVIL PENALTY. (a) A person who violates this chapter, a law regulating the applicable profession, or an executive council rule is liable to the state for a civil penalty not to exceed \$1,000 for each day of violation.

(b) At the request of the executive council, the attorney general shall bring an action to recover a civil penalty authorized under this section.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.403. CEASE AND DESIST ORDER. (a) If it appears to the executive council that an unlicensed person is violating this chapter, a law regulating the applicable profession, or an executive council rule, the executive council, after notice and opportunity for a hearing, may issue a cease and desist order prohibiting the person from engaging in the activity.

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

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 1.001, eff. September 1, 2019.

Sec. 507.404. MONITORING OF LICENSE HOLDER. The executive

council by rule shall develop a system to monitor a license holder's compliance with applicable laws and executive council rules. Rules adopted under this section must include procedures to:

(1) monitor for compliance a license holder who is ordered by the executive council to perform certain acts; and

(2) identify and monitor each license holder who represents a risk to the public.

Added by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. [1501](#)), Sec. 1.001, eff. September 1, 2019.