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FISCAL IMPACT REPORT

SPONSOR Clahchischilliage ORIGINAL DATE 2/27/15
LAST UPDATED _____ HB 574
SHORT TITLE Counseling & Therapy Background Check SB _____
ANALYST Elkins

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

House Bill 574 amends the Counseling & Therapy Practice Act to require criminal background checks for people applying for professional licensing, at the cost of the applicant, in accordance with board rules. Applicants for the following licensure would be required to undergo a background check:

- professional clinical mental health counselor;
- marriage and family therapist;
- associate marriage and family therapist or counselor;
- professional art therapist, mental health associate;
- substance abuse associate; and
- alcohol and drug abuse counselor.

FISCAL IMPLICATIONS

Applicants that want to become licensed by the Counseling and Therapy Practice Board will be required to undergo a criminal background check at the cost to the applicant.

SIGNIFICANT ISSUES

According to RLD, HB 574 states that applicants have to undergo a criminal background check, at cost to the applicant, in accordance with board rules. The bill does not identify if the applicant is required to undergo a national criminal history investigation or a state criminal history investigation. The Federal Bureau of Investigations (FBI) requires that statute defines whether the board is requiring a state or federal background check before an approval is issued by the FBI. In the best interest of the public, a federal background check would identify any criminal activity of the applicant that may have lived throughout the nation.

There is no indication, other than stating “in accordance with board rules,” which method shall be used to conduct the criminal background check. According to DPS, if a fingerprint background check is being required, the language in the statute will need to be approved by DPS and the FBI before passage of this legislation.

CE/bb