



# TEXAS ASSOCIATION FOR MARRIAGE AND FAMILY THERAPY

## 2022 Interim and 88<sup>th</sup> Regular Session Legislative Program

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### GENERAL OVERVIEW

The Texas Association for Marriage and Family Therapy (TAMFT) is a state specific member driven organization consisting of licensed mental health professionals, students training for licensure, and certain other interested parties who are dedicated to expanding the delivery of high quality mental healthcare through the advancement and promotion of marriage and family therapy as a distinctive health discipline in Texas. The over-arching goal of TAMFT's state legislative program is to constructively engage in legislative, regulatory, and legal advocacy to protect and preserve the integrity of the license and to improve the practice environment in which Licensed Marriage and Family Therapists (LMFTs) apply their training, delivering quality care for their clients.

TAMFT's comprehensive state advocacy focus includes specifically designed public efforts to strengthen and preserve the integrity of the qualifications, scope of practice, and continuing education requirements for licensed marriage and family therapists, as well as providing for suitable practitioner sanctions when appropriate. TAMFT also engages in efforts to educate policy makers and to support certain state program appropriations to address Texas' mental healthcare workforce shortage, as a way to improve the prospects of recruiting and graduating enough trained practitioners to meet the growing demands for high quality, cost effective mental health care services, not only now, but into the future. In addition, TAMFT advocates to increase the overall public awareness of mental and emotional disorders as a profession, helping reduce the unwelcome and counterproductive stigma often associated with people in need of or seeking mental health services.

Among other initiatives, TAMFT cooperates and advocates alongside with other mental health professional organizations, known as the Mental Health Coalition, and various other allied health associations, to advance public policies and regulations that promote mental health parity, access to care, sensible reimbursement, liability protections, thereby ensuring that LMFTs can utilize their unique skills, training and qualifications to deliver individual, couples, family and group therapy services, for all persons affected by mental illness and encouraging resiliency, recovery, and wellness outcomes.

LMFTs treat mental and emotional disorders with awareness and understanding of the broader social context that the individual is a part of, such as a couple, family, community, or culture. Eligibility for licensure requires at least a master's degree, completion of 3,000 clock hours of supervised work and a passing score on the state licensure exam. LMFTs offer treatment for a variety of serious clinical problems including, but not limited to anxiety, depression, individual psychological disorders; marital problems, child-parent relationship issues, conduct disorder, academic difficulties, childhood behavioral and emotional disturbances, substance abuse, relationship enhancement and domestic violence prevention and treatment.

Significantly, the Federal government (US Department of Health & Human Services) designated Marriage and Family Therapy as a core mental health profession along with psychiatry, psychology, social work, and psychiatric nursing. TAMFT will continue to engage its membership, working closely with policy makers, other mental health professionals, insurers, employers, and others to improve access to care and strengthen Texas' mental health delivery system to correspondingly benefit clients and practitioners alike.

## **TAMFT ADVOCACY DELIVERS RESULTS**

Last session marked yet another highly productive, results driven state legislative effort, positively building upon TAMFT's work from the landmark 2017 and the focused results of the 2019 sessions! In the 2017 session, TAMFT passed legislation codifying the Supreme Court "*diagnosis*" decision, established LMFTs as eligible to participate in the mental health student loan assistance program, and enabled LMFTs to be reimbursed for telehealth services! In 2019, TAMFT ardently focused on creating the Behavioral Health Executive Council (BHEC), securing sufficient appropriations and employees for running the new entity, while preserving an independent licensure board to provide dedicated oversight and regulation for the profession of LMFTs. Taxpayers are best served by the current functional characteristics of the TSBEMFT, given the uniqueness of an LMFTs scope and approach to therapy, combined with an adequate licensure fee structure that effectively supports licensure oversight while resolutely protecting the public.

In 2021, TAMFT passed legislation that broadened funding for a Texas Higher Education Coordinating Board's (THECB) mental health tuition reimbursement program, reducing financial barriers for students, as well as improving the regulation and payment for telemedicine and telehealth services, including a provider's "choice of platform" and "audio only" services. In addition, TAMFT successfully advocated to extend for the first time, liability protection for licensed mental health practitioners working with patients, allowing disclosure of confidential information, when there is a probability of imminent physical injury by the patient to the patient or others, or a probability of imminent mental or emotional injury to the patient.



The 88<sup>th</sup> Regular Session, like every other session, carries with it, new challenges, and opportunities for LMFTs specifically and for mental health policies and funding overall. As TAMFT has done in past sessions, the 2022 Interim and 88<sup>th</sup> Legislative Program is organized into three distinctive, but equally important categories - **Tier I (Initiatives)**, **Tier II (Endorsements)** and **Tier III (Defense)**. What follows is an explanation of the criteria used for organizing TAMFTs state legislative program and a summary of public policy objectives for the remainder of the year and the adopted issues for the 2023 legislative session.

## **I. AGENDA: LEGISLATIVE/ REGULATORY INITIATIVES**

**A. TIER 1:** Tier I, referred to as “*initiatives*”, or those issues that TAMFT will be pro-actively involved through activities such as drafting of legislation, recruiting legislative sponsors for filing bills, providing committee testimony, negotiating bill language and other related activities needed to pursue passage of legislation, amendments, or budget riders. The criteria for considering an issue as an initiative or Tier I item include: LMFT Specific Impact; LMFT Disproportionately Impacted; TAMFT Involvement Critical to the Success or Failure of the Measure.

***1. Continue to address staffing, funding, and administrative improvements of the Behavioral Health Executive Council (BHEC) to ensure the agency succeeds as intended, while protecting the independence and integrity of the Texas State Board of Examiners of Marriage and Family Therapy (TSBEMFT).***

TAMFT’s direct legislative advocacy and ongoing, close coordination with other mental health provider associations, resulted in the formation of the BHEC, which administratively combined the various mental health licensure boards, including the TSBEMFT, with the board of psychologists, as a way to preserve the regulatory/rulemaking authority of each respective licensure board, while furthering protection of the public, leveraging operational efficiencies in regulatory functions and processes, garnering economies of scale, and resulting in more resources benefiting all mental health licensees. Further, the distinctive regulatory approach of an umbrella agency (BHEC) for all mental health providers, serves as a significant structural commitment that Texas places on mental health, facilitating greater cooperation among licensees, while preserving the uniqueness of each mental health license and their respective approach to therapy.

The BHEC and the TSBEMFT continuously function and often undertake rulemakings to adapt to changing political/market conditions, to address “unsettled” policy matters, to fix unforeseen, unintended, or vague issues not encompassed by the rulemaking process or by the law as passed. TAMFT will treat any current rulemakings, and any “unsettled” policy matters not already identified as part of its Tier I initiatives during the interim and through the 88<sup>th</sup> Regular Session.



## ***2. Improve Access and Efficiency in Delivering Quality Mental Health Services.***

Texas is a large and diverse state, with many medically underserved rural areas. The recent school shooting tragedy in Uvalde has drawn embarrassing and unwanted attention to mental health care deserts. State sanctioned studies have documented that of the 254 counties in Texas, 177 (70%) are rural counties, home to over three million people. Consequently, far too many residents do not have access to adequate medical care, which is particularly true concerning access to mental health, substance abuse or other treatment options for those with dual diagnosis conditions. As the Meadows Foundation has documented, the chronic shortage of mental health providers overall, and within the rural areas of Texas are placing significant strain on the primary care sector, who often lack the specific training and time to provide proper mental health care. Current and emerging practice research is showing that one of the most efficient and effective ways to bridge the mental health professional and rural access gaps is to help improve portability, looking at public school mental health ratios and increasing the use telecommunications and information technologies. TAMFT will work to support legislative and regulatory activities and initiatives that increase access and delivery of quality mental health and substance abuse services in Texas in private practice, institutional and school settings, as well as through increased funding and improvements in telehealth capacity as part of the state's plan to expand broadband service to underserved and unserved areas.

## ***3. Facilitate Expedited Licensure for Out of State LMFTs in Good Standing and Authorize, Under State Supervision, Transfer of Hours Eligibility for an Out of State LMFT Associate.***

Acknowledging that we live in an increasingly mobile society, transferring a professional, LMFT license from one state or U.S. jurisdiction to another is often exceedingly difficult. Given the lack of portability TAMFT will seek legislative changes to facilitate an expedited licensure process for out of state practicing LMFTs of at least 2 years and in good standing from their originating state. In addition, TAMFT will seek legislative changes to authorize the carryover or transfer of hours completed in another state, provided that their new Texas Supervisor assesses, approves and recommends such transfer, subject to BHEC approval.

## ***4. Higher Education and Training of the Next Generation of Mental Healthcare Workers.***

The practice of marriage and family therapy is a unique and distinctive mental health discipline that evolved over decades of interdisciplinary research and treatment innovation. As such, Texas is fortunate to have eight COAMFTE accredited MFT training programs (6 graduate programs, and 2 doctoral), and three CACREP marriage and family counseling master's degree programs. For the past decade, the prevalence and public awareness of mental illness, alongside the documented need for more highly skilled,



licensed providers, has been steadily rising and the incidence rates of depression, anxiety, loneliness, and suicidality have soared, especially among children. Over the last eight years, TAMFT has advocated for strengthening the pipeline of practitioners to address the increased demand for quality mental health services and close the access to care gap by reducing traditional educational barriers and working with university programs to encourage early student engagement with TAMFT as a means to supporting a more robust, well-trained workforce. TAMFT fully supports efforts that improve opportunities for students interested in pursuing their marriage and family therapy license or seeking a career as a mental health provider. Specifically, TAMFT will seek to advance appropriations and programs that foster educational opportunities for students, including advocacy support for initiatives that address financial barriers for clinical and practicing professionals, helping promote programs that improve access to care, and to serve as a valued resource for its members, policy makers and other interested stakeholders about the importance of mental health workforce related issues.

## **5. Improve Continuity of Care and Promote License Portability, Initiate Pursuit of a Compact.**

The upward trajectory for patient engagement in the delivery of efficacious telehealth services, continues to rise in the post pandemic marketplace. TAMFT will seek to improve the continuity of care for LMFT clients that move out of state and do not want to change their therapist, while promoting license portability by advocating for an interstate compact. Establishing an interstate compact for LMFTs requires Texas, along with 9 other states to enact similar legislative authorization before maximizing the benefits to patients and practitioners. Such a compact, once established, would allow a qualified LMFT, provided they meet uniform standards and reside in a compact member state, to practice within another compact member state, without the need for multiple licenses.

TAMFT will work with other selected states during the interim to encourage pursuit and adoption of enabling legislation for an LMFT specific interstate compact. Correspondingly, TAMFT will pursue legislation to authorize Texas to become a compact state for LMFTs. Establishing such a compact will deliver improved continuity of care when clients travel or relocate, as well as affording LMFTs greater licensure portability, reducing regulatory lag in the authorization process to practice in a compact state, while opening new opportunities in the rapidly expanding, virtual, telehealth market.

## **II. ENDORSEMENTS**

**B. TIER 2:** Tier II, referred to as “endorsements” or those issues where TAMFT will not be the primary advocate, but will work collectively with other parties such as the other mental health professional associations, to communicate the organization’s support for

various appropriation decisions, legislative issues, or amendments where appropriate. TAMFT will make known its support of an issue through a letter/card of support, public testimony, or lending its name to an advocacy effort, but will not take a leading legislative role.

### ***1. Maintain or Enhance Mental Health Funding.***

As Texas state lawmakers concluded the 87<sup>th</sup> Legislative Session, funding for mental health infrastructure and services during the pandemic was a prominent theme and TAMFT actively supported increased funding throughout the appropriations process. In the wake of recent shootings, including the 21 death Uvalde school shooting, the conversation once again turns to gun violence and the need for additional mental health resources, rather than getting into questions of the 2<sup>nd</sup> Amendment, gun control and gun rights. Mental health problems in the post pandemic era are pervasive and state mental health expenditures per capita do vary from state to state. The causes of these tragic events are complex, but it is important to note that while there is some correlation with violence, the vast majority of people with diagnosed mental illness are not dangerous and violence may often be better explained by associated factors of poverty, inequality, racism, substance abuse, gun culture, among other factors.

National data in 2020 shows that nearly one in five adults experience mental illness, and almost one in twenty experience severe mental illness per year, with suicide, alarmingly, the 2<sup>nd</sup> leading cause of death among people aged 10 – 34. Concurrently, Texas ranked 3<sup>rd</sup> to last in the nation in mental health care spending per capita in 2020. Challenges in connection with Texan's accessing needed mental health care are compounded by the serious shortage of mental health providers, and an underfunded state investment in treatment dollars, all of which contribute to the frail state of our mental health infrastructure. The good news is that appropriators and legislators overall have taken incremental, affirmative action to address these challenges, while also managing to balance other state financing needs. TAMFT will work with others in support of maintaining or increasing state mental health funding for adults, children, as well as veterans and rural communities, based on the belief that without additional funding, continued rising costs incurred by providers could erode the quality of services delivered and intensify access to care problems.

### ***2. Safeguard Mental Health Parity Protections and Advance Pay Parity***

TAMFT will work diligently with other like-minded stakeholders and legislators to preserve mental health parity in coverage and to increase reimbursement as Texas implements federal healthcare changes or as other related reforms are considered by the state.



### ***3. Support for Improvements to Texas' Mental Health Delivery System and The Statewide Behavioral Health Strategic Plan, Including Broadband Services.***

TAMFT will work with other stakeholders and legislators to improve the resources, infrastructure, and other related programs, regulatory or funding opportunities to strengthen the state's mental health services delivery system and the statewide behavioral health strategic plan. Part of this support will include, but not be limited to work on Texas Comptroller Glenn Hegar's initial 2022 Texas Broadband Plan released on June 15. The new broadband plan, from Texas' Broadband Development Office (BDO) outlines the state's goals for improving broadband access and affordability. Texans need reliable, high-speed connectivity for a wide range of potential applications including public health, safety, education, and modern agriculture. Without sufficient broadband to support cost-effective and efficacious telehealth and telemedicine services, many rural hospitals and anchor institutions will be at a disadvantage serving Texans.

### ***4. Support for Resources to Address Prevention and intervention.***

TAMFT will work to partner with the Texas Council on Family Relations on measures to promote the overall health and wellbeing of Texas families by building resilient individuals and families through collaboration, education and preventive issues.

## **III. DEFENSE**

C. TIER 3: Tier III, referred to as ***"defensive"*** or those issues where TAMFT will use its resources to oppose or favorably modify legislation, amendments or appropriation decisions identified as being detrimental to LMFT's, other mental health professionals, and or bad state policy as viewed by the Board or membership.

- 1. Maintain LMFTs as Eligible Medicaid Providers by State and Private Plans.***
- 2. Oppose Cuts to Mental Health Funding or Mental Health Provider Reimbursements***
- 3. Preserve LMFTs Eligibility to Provide Mental Health Services in Private Practice, Institutional and School Settings, as well as through Telehealth.***
- 4. Oppose Legislative Efforts Against LMFT's Ethical Standards by Expanding Religious Exemptions Beyond Current Law.***
- 5. Oppose Any Rollbacks of BHEC and Other Adverse Legislation to LMFT or Other Mental Health Practitioners***
- 6. Protect civil liability protections for licensed mental health practitioners.***

## OMNIBUS POLICY

Historically, TAMFTs legislative efforts have been organized under the above outlined 3 Tiers and adopted by Board in advance of a legislative session. The system has served the organization well, performing admirably and delivering tangible results to the membership. TAMFTs legislative approach focuses resources and devotes time to passing beneficial bills that would enable LMFTs, LMFTAs and other mental health practitioners to apply the skills of their profession and better serve their clients. However, a far greater effort that receives little attention, has been expended on preventing passage of detrimental bills, amendments, and rulemakings. In many cases, these clearly detrimental policy or regulatory actions are attempts to dilute the scope or diminish the integrity of an LMFTs license or if passed, could be harmful to the mental health delivery system, to reimbursement or to the therapeutic populations served by licensed practitioners. In addition, there are times when legislation, amendments or rulemakings are offered that clearly align with the philosophy and interests of TAMFT, LMFTs and LMFTAs.

Due to the large quantity of bills introduced or amendments offered during a legislative session and the given the rapid pace and decision timelines of these proposals during a legislative session, it is not always feasible for the TAMFT Board to consider and adopt formal policy statements on each piece of proposed legislation or amendments. Therefore, the TAMFT Board authorizes its state legislative consultant to use their good faith, best professional judgement to either support clearly beneficial legislation or amendments and to oppose or defeat legislation that meets one or more of the following criteria:

1. Undermine the principles, scope of practice, or integrity of the marriage and family therapy license.
2. Dilutes the authority of the TSBEMFT or that places a clearly unwarranted requirement of the TSBEMFT relative to the qualifications, scope of practice, continuing education requirements or practitioner sanctions.
3. Results in a reduction of reimbursement rates paid to LMFTs or an exclusion from an existing or new practice setting.
4. Results in diminishing the fundamental authority to practice in a manner consistent with the license or that is clearly not in the best interest of the health, safety, and welfare of the public.
5. Broad mental health issues where a united front can positively advance or defeat the measure and where the mental health coalition associations are aligned.
6. *After a TAMFT approved PAC budget, the legislative consultant after discussion and approval electronically or personally from the President and the Legislative Committee Chair, may instruct the management firm to issue the check in a timely fashion pursuant the direction of the consultant.*