Rule: 882.61. Special Licensing Provisions for Service Members and Military Spouses.

Action: Proposed Amendments

Comment: The proposed amendments align the Council’s rules with changes made to Texas Occupations Code Chapter 55 by the 89th Legislature regarding licensing of military service members, veterans, and spouses.

§882.61. Special Licensing Provisions for Service Members and Military Spouses.

(a) Notwithstanding §882.23 of this chapter and in accordance with §55.0041 of the Occupations Code and the Veterans Auto and Education Improvement Act of 2022 (Public Law No. 117-333), a service member or military spouse is authorized to practice marriage and family therapy, professional counseling, psychology, or social work without a license if the person meets each of the following requirements:

(1) the service member or military spouse notifies the Council on an agency approved form or as directed by agency staff, of the service member's or military spouse's intent to practice a particular profession in this state;

(2) the service member or military spouse provides verification of licensure in good standing in another jurisdiction in the similar scope of practice and in the discipline applied for in this state~~, and:~~

~~(A) has actively used the license during the two years immediately preceding the date of application; or~~

~~(B) holds a license that has licensing requirements that are substantially equivalent to the requirements for licensure in this state~~;

(3) the service member or military spouse submits proof of location ~~residency~~ in this state (e.g. copy of a permanent change of station order) ~~and a copy of the service member's or military spouse's military identification card~~; and

(4) the Council provides confirmation to the service member or military spouse that it has verified the service member's or military spouse's license in the other jurisdiction and that the service member or military spouse is authorized to practice a particular profession.

(b) ~~In order to meet the requirements of subsection (a)(2)(B) of this section, a service member or military spouse must submit a copy of the law reflecting the current licensing standards for the relevant profession in the state where the service member or military spouse is licensed, with the relevant portions highlighted for easy reference. The Council shall then determine substantial equivalency based upon the determinations made by the member boards under §882.60(d) of this chapter.~~

(c) The Council may rely upon the following when verifying licensure under this subsection: official verification received directly from the other jurisdiction, a government website reflecting active licensure and good standing, or verbal or email verification directly from the other jurisdiction.

(d) A service member or military spouse authorized to practice under this rule is subject to all laws and regulations in the same manner as a regularly licensed provider.

(e) A service member or military spouse may practice under this rule while the service member or military spouse is stationed at a military installation in this state. ~~If the service member or military spouse relied upon subsection (a)(2)(B) of this section to obtain authorization to practice, the authority shall extend only until the third anniversary of the date of confirmation referenced in subsection (a)(4) of this section.~~

(f) In order to obtain and maintain the privilege to practice without a license in this state, a service member or military spouse must remain in good standing with every licensing authority that has issued a license to the service member or military spouse at a similar scope of practice and in the discipline applied for in this state.

(g) Subsection (a)(2)(A) of this section does not apply to service members or military spouses that are licensed and able to operate in this state through an interstate licensure compact. Service members or military spouses eligible to participate in an interstate licensure compact may either apply to practice through the authority of the interstate licensure compact or through other applicable state law.

(h) Notwithstanding subsection (e) of this section, in the event of a divorce or similar event (e.g., annulment, death of spouse) affecting a military spouse's marital status, a military spouse who relied upon subsection (a)(2)(B) of this section to obtain authorization to practice may continue to practice under the authority of this rule until the third anniversary of the date of confirmation referenced in subsection (a)(4) of this section.