



**Guidance on the Treatment of Gender Identity-related
Concerns Under Chapter 161, Subchapter Y, Texas
Health & Safety Code.**

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Executive Summary

This guidance document is intended to assist Council licensees in understanding how Texas Health & Safety Code Chapter 161, Subchapter Y affects **clinical practice involving minors experiencing gender dysphoria or other identity-related concerns**.

Key points for licensees:

- Licensees may not provide or **facilitate** treatments or procedures prohibited under Section 161.702, including puberty blockers, cross-sex hormones, or surgery, for the purpose of medically transitioning a child's biological sex.
- Public funds may not be used to provide or facilitate these prohibited treatments.
- Therapeutic engagement that does not facilitate a prohibited medical transition is generally not restricted by Section 161.702.
- Using statutory language and intent as the guide, licensees should evaluate whether a treatment plan is intended to facilitate a prohibited procedure; intent and purpose are key considerations.

Nothing in this guidance alters existing practice acts, ethical standards, scope-of-practice requirements, or duty-of-care obligations, except to clarify compliance with Texas Health & Safety Code Chapter 161, Subchapter Y.

II. Overview of Chapter 161, Subchapter Y

Chapter 161, Subchapter Y prohibits certain procedures and treatments for children under Section 161.702, including:

- Surgery to alter the child's sex.
- Puberty blockers.
- Cross-sex hormones.

The statute prohibits both providing and facilitating these procedures. The term "**facilitate**" is not defined in Subchapter Y. For purposes of this guidance, facilitation is interpreted consistent with its commonly understood meaning: any action by a licensee that assists, enables, or contributes to a minor's access to a procedure or treatment prohibited under Section 161.702, Texas Health and Safety Code. This includes conduct undertaken under a Texas license for the purpose of enabling a minor to obtain such procedures or treatments, regardless of where the procedure or treatment ultimately occurs.

Facilitation can include, but is not limited to, preparing or providing evaluations, assessments, letters, certifications, recommendations, referral letters, or treatment plans that are intended to support or lead to a prohibited procedure.

III. Interpretation of Texas Health & Safety Code Chapter 161, Subchapter Y

Texas Health & Safety Code Chapter 161, Subchapter Y has been interpreted under the authority found in Texas Government Code Chapter 402, Subchapter C to mean:

- Council licensees are “**health care providers**” under Subchapter Y.
- Licensees cannot provide or **facilitate** procedures or treatments prohibited under Section 161.702.
- Public funds may not be used, directly or indirectly, to provide or facilitate prohibited treatments.

Council licensees may not provide a course of treatment intended to affirm a child’s perception of sex that is inconsistent with the child’s biological sex when that course of treatment is intended to facilitate the medical transitioning of a child through a treatment or procedure prohibited under Section 161.702.

Licensees should consider both intent and purpose: care intended to facilitate prohibited procedures falls under the statutory prohibition, while other therapeutic care does not.

Professional Judgment and Evidence-Based Practice

Licensees must exercise professional judgment grounded in scientifically and professionally derived knowledge. Questions concerning the safety and efficacy of certain gender-affirming medical interventions for minors remain the subject of ongoing scientific debate and review.

Licensees should exercise caution and ensure that clinical decision-making is informed by a careful review of available empirical evidence, applicable law, and professional standards of care. Licensees should not rely solely on advocacy materials, policy statements, or position papers that may intermix scientific assertions with policy or political perspectives, but instead should evaluate the quality and sufficiency of the underlying evidence when forming professional judgments.

IV. Treatment Not Implicated by the Statute

Subchapter Y does not prohibit all mental health treatment or supportive care for minors with gender dysphoria or other identity-related concerns. The following examples are generally not implicated:

- Treatment of co-occurring conditions: Therapy for depression, anxiety, trauma, or other mental health concerns.
- Exploratory psychotherapy: Open-ended, developmentally appropriate exploration of identity.

- Neutral supportive counseling: Providing a safe space, supporting resilience, processing family dynamics.
 - Crisis stabilization and safety planning: Risk assessments, emergency interventions unrelated to prohibited procedures.
 - Ethics-compliant clinical documentation: Documentation necessary for continuity of care, provided it is not intended to facilitate prohibited procedures.
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V. Practices That Raise Statutory Concerns

With respect to a **minor**, the following activities constitute **prohibited facilitation**:

- Providing evaluations, letters (e.g., surgery readiness, medical clearance, assessment, support, or gender-affirming care letters), or documentation intended to enable access to puberty blockers, cross-sex hormones, or surgery prohibited under Section 161.702.
- Referring a minor for procedures or treatments prohibited under Section 161.702.
- Structuring a treatment plan intended to advance a minor's eligibility for procedures or treatments prohibited under Section 161.702.
- Using public funds to support services that facilitate procedures or treatments prohibited under Section 161.702 for a minor.

Violations of Chapter 161, Subchapter Y or agency rules intended to ensure adherence to professional standards of care based upon scientifically and professionally derived knowledge may subject a licensee to disciplinary action by the Council¹. In addition, Section 161.706 of the Texas Health and Safety Code authorizes the Attorney General to bring an enforcement action to restrain violations of Subchapter Y and to seek applicable civil remedies.

VI. Disclaimer

This guidance is provided for general informational purposes only. Licensees seeking further clarification should consult a trusted colleague or the individual responsible for addressing professional practice questions within any local, state, regional, or national professional association of which the licensee is a member. If additional clarification is needed, the licensee should consult a private attorney. The State Bar of Texas Lawyer Referral & Information Service may assist in locating an attorney if one cannot be identified through personal or professional recommendations.

¹ This guidance document does not establish a new policy or practice standard. Rather, it reflects longstanding professional standards that prohibit licensees from assisting or facilitating a client's participation in conduct that is unlawful.