



## Professional Licensing and Certification Guidance Letter

<b>Number:</b> GL 23-5000-A
<b>Title:</b> Amended Military Service Member, Military Spouse, and Veteran Licensing Procedures (SB 422-88R)
<b>Provider Types:</b> Licensed Chemical Dependency Counselors
<b>Date Issued:</b> February 16, 2024

### 1.0 Subject and Purpose

This amended guidance letter (GL) replaces the previous GL 23-5000, issued on January 11, 2024, to notify providers the Texas Health and Human Services Commission (HHSC) published additional guidance for military members, military spouses, and veterans who seek a license as an LCDC. Refer to [Section 2.0](#) for more information.

HHSC provides guidance to licensed chemical dependency counselor (LCDC) applicants and licensees on enacted legislation impacting LCDCs. [Senate Bill \(SB\) 422](#), relating to the authority of certain military service members to engage in a business or occupation in this state, took effect September 1, 2023.

This letter provides guidance to LCDC applicants and licensees regarding SB 422 and outlines provider responsibilities and expectations. Please note, this guidance letter only describes the bill provisions relevant to these providers.

### 2.0 Background and History

As stated in [SB 422 author's and sponsor's statement of intent](#), in 2019, [SB 1200, 86<sup>th</sup> Legislature, Regular Session](#), added [Texas Occupations Code \(TOC\) Section 55.0041](#), which requires state agencies, including HHSC, to recognize an out-of-state occupational license for a military service member's spouse to avoid requiring the spouse to retake any curriculum and testing from one state to another when the service member changes duty stations.

The bill author's and sponsor's statement of intent further states [SB 422, 88<sup>th</sup> Legislature, Regular Session](#), extends the occupational licensing reciprocity under amended TOC Section 55.0041 to military service members who often must station in states other than where they originally obtained their license, but who still wish to provide valuable services, which may help alleviate some workforce shortages in Texas.

HHSC provides further information for military members, military spouses, and veterans who seek a license as an LCDC in [GL 24-5000](#). Refer to this GL for more information on alternative licensing requirements available to military service members, military spouses, and military veterans when applying for, renewing, and maintaining an LCDC license.

### **3.0 Legislative Details & Provider Responsibilities**

[SB 422](#) amends the recognition of out-of-state license requirements for military service members and military spouses seeking an occupational license under [TOC Section 55.0041](#) and amends the license application processing timeframe requirement under [TOC Section 55.005](#).

Amended TOC Section 55.0041:

- Extends the applicability of this section to military service members in addition to military spouses;
- Clarifies in new [subsection \(d-1\)](#) that in the event of a divorce or similar event that affects a person's status as a military spouse, a person may continue to act as an LCDC until the third anniversary of the date the person received the LCDC license verification confirmation and authorization from HHSC; and
- Amends [subsection \(e\)\(2\)](#), which requires a state agency to adopt rules establishing a process for the agency to verify a military service member or military spouse who submitted the required information under TOC Section 55.0041 is licensed and in good standing in a jurisdiction with licensing requirements substantially equivalent to Texas, by requiring the agency to complete this verification not later than the 30<sup>th</sup> day after the military service member or military spouse submits the required information.

Amended [TOC Section 55.005\(a\)](#) changes the timeframe a state agency must process and issue a license for a military service member, military veteran, or military spouse from "as soon as practicable" to "not later than the 30<sup>th</sup> day" after the date a military service member, military veteran, or military spouse files an application for a license.

[SB 422 Section 4](#) clarifies the 30-day license application processing and issuance timeframe in [TOC Section 55.005\(a\)](#) only applies to a license application submitted on or after September 1, 2023.

Effective December 1, 2023, HHSC amended the following rules to implement SB 422:

- [Texas Administrative Code Title 1 \(1 TAC\) Section 351.3](#), regarding Recognition of Out-of-State License of Military Service Members and Military Spouses, and
- [1 TAC Section 351.6](#), regarding Alternative Licensing for Military Service Members, Military Spouses, and Military Veterans.

HHSC is also currently drafting amendments to the LCDC-specific rule at 25 TAC Section 140.433, regarding Licensing, Certification, or Registration of Military Service Members, Military Veterans, and Military Spouses, for consistency with 1 TAC Sections 351.3 and 351.6. HHSC will publish the proposed amended rule in the *Texas Register* for public comment in the coming months before adopting the proposed amended rule.

**Note:** HHSC encourages stakeholders interested in commenting on the proposed amended rule to [sign up for GovDelivery](#) to receive notice regarding when the proposed amended rule publishes for formal comment in the *Texas Register*.

#### 4.0 Resources

Review SB 422 88 Legislature, Session (2023) at:  
[capitol.texas.gov/tlodocs/88R/billtext/html/SB00422F.htm](http://capitol.texas.gov/tlodocs/88R/billtext/html/SB00422F.htm).

Review SB 422 Author's Statement of Intent at:  
[capitol.texas.gov/tlodocs/88R/analysis/html/SB00422F.htm](http://capitol.texas.gov/tlodocs/88R/analysis/html/SB00422F.htm).

Review SB 1200 86<sup>th</sup> Legislature, Regular Session (2019) at:  
[capitol.texas.gov/tlodocs/86R/billtext/html/SB01200F.htm](http://capitol.texas.gov/tlodocs/86R/billtext/html/SB01200F.htm).

Review TOC Chapter 55 at:  
[statutes.capitol.texas.gov/Docs/OC/htm/OC.55.htm](http://statutes.capitol.texas.gov/Docs/OC/htm/OC.55.htm).

Review GL 24-5000 at: [hhs.texas.gov/sites/default/files/documents/gl-24-5000.pdf](http://hhs.texas.gov/sites/default/files/documents/gl-24-5000.pdf).

Review 1 TAC Section 351.3 at:  
[texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p\\_dir=&p\\_rloc=&p\\_tloc=&p\\_ploc=&pg=1&p\\_tac=&ti=1&pt=15&ch=351&rl=3](http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=1&pt=15&ch=351&rl=3).

Review 1 TAC Section 351.6 at:

[texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p\\_dir=&p\\_rloc=&p\\_tloc=&p\\_ploc=&pg=1&p\\_tac=&ti=1&pt=15&ch=351&rl=6](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=1&pt=15&ch=351&rl=6).

To receive notice regarding when the proposed amended rule publishes for formal comment in the *Texas Register* and to receive future updates, sign up for GovDelivery at:

[service.govdelivery.com/accounts/TXHHSC/subscriber/new](https://service.govdelivery.com/accounts/TXHHSC/subscriber/new).

## **5.0 Contact Information**

Email the Policies and Rules Unit at [HCR\\_PRU@hhs.texas.gov](mailto:HCR_PRU@hhs.texas.gov) if you have any questions about this letter.