

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1556 – HB 1840

February 22, 2016

SUMMARY OF ORIGINAL BILL: Exempts a counselor or therapist providing counseling or therapy services, whether or not licensed, registered, or otherwise regulated by the state, from counseling or serving a client as to goals, outcomes, or behaviors that conflict with a sincerely held religious belief of the counselor or therapist, if the counselor or therapist coordinates a referral of the client to another counselor or therapist who will provide the counseling or therapy. Refusal to provide counseling or therapy services is not a basis for a civil cause of action, criminal prosecution, or any other action by this state or a political subdivision of the state to penalize or withhold benefits or privileges, including tax exemptions or governmental contracts, grants, or licenses.

Defines “counseling or therapy services” as assisting an individual, through the counseling relationship, in a manner intended to facilitate normal human growth and development, using a combination of mental health and human development principles, methods, and techniques, to achieve mental, emotional, physical, social, moral, educational, spiritual, or career development and adjustment throughout the life span.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENTS (012228, 012487): Amendment 012228 deletes all language of the original bill. Exempts a counselor or therapist providing counseling or therapy services from counseling or serving a client as to goals, outcomes, or behaviors that conflict with a sincerely held religious belief of the counselor or therapist, if the counselor or therapist coordinates a referral of the client to another counselor or therapist who will provide the counseling or therapy. Refusal to provide counseling or therapy services is not a basis for a civil cause of action or criminal prosecution.

Defines “counseling or therapy services” as assisting an individual, who is seeking or engaged in the counseling relationship in a private practice setting, in a manner intended to facilitate normal human growth and development, using a combination of mental health and human development principles, methods, and techniques, to achieve mental, emotional, physical, social, moral, educational, spiritual, or career development and adjustment throughout the life span.

Establishes that a violation of A.11.b of the 2014 American Counseling Association Code of Ethics, or any similar or successor provision, shall not be grounds upon which the Board for Professional Counselors, Marital and Family Therapists and Clinical Pastoral Therapists shall exercise its powers as authorized by Tenn. Code Ann. § 63-22-110(a)

SB 1556 – HB 1840

Amendment 012487 establishes that the exemption provided for in amendment 012228 shall not apply to a counselor or therapist when an individual seeking or undergoing counseling is in imminent danger of harming themselves or others; and further establishes that a violation of A.11.b of the 2014 American Counseling Association Code of Ethics, or any similar or successor provision, shall be a ground for the Board to exercise these powers in cases involving an individual seeking or undergoing counseling where the individual was in imminent danger of harming themselves or others.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

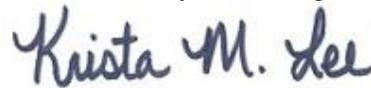
Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- According to the Department of Mental Health and Substance Abuse Services (DMHSAS), the proposed legislation could potentially allow any Regional Mental Health Institute employee or any employee of agencies contracted to provide substance abuse addiction recovery services or substance abuse prevention services the right to refuse to provide counseling or therapy services.
- In such instances, it is the counselor's or therapist's responsibility to coordinate a referral to another counselor or therapist.
- Any fiscal impact to DMHSAS to ensure compliance with the proposed legislation would be not significant.
- Based on information provided by the Department of Health, the proposed legislation will not affect any operations or programs of the Department.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

/jem