



March 3, 2026

The organizations below respectfully disagree with [the recent opinion issued by Attorney General Paxton](#). The Request for Opinion asked whether “health care provider” as defined in SB14 of the 88th Regular Session includes “mental health professionals.” Our disagreement with the opinion stems from several facts:

- The services in SB 14 (88R) that are expressly prohibited to be performed by the health care provider are explicitly associated with the treatment of physical health that are outside the scope of practice for any mental health professional.
- There is no mention of any mental health services in SB 14.
- Article 37 of the Texas Administrative Code, Section 380.9175 explicitly defines “health care professional” and “mental health professional” as two unique provider groups.

The Attorney General’s opinion does not expand SB 14 or create new restrictions on licensed behavioral health professionals, clinical practice, or ethical obligations. The opinion primarily addresses eligibility for public funding and potential regulatory implications for mental health providers alleged to have “facilitated” prohibited medical procedures. It does not independently create new criminal prohibitions applicable to licensed mental health professionals working within their scope of practice. Instead, the opinion will create uncertainty, fear and intimidation among providers regarding the scope of permissible professional conduct.

All clinicians, other providers and their clients retain their First Amendment rights and as well as their professional duty to provide culturally responsive, identity-affirming, and trauma-informed services consistent with applicable law and ethical standards.

As a group of professions whose licenses are managed by the Behavioral Health Executive Council, the state agency that submitted this Request for Opinion, we reaffirm our unwavering commitment to the people of Texas. We would like to reiterate our ethical responsibility to respect, honor, and recognize the identities and lived experiences of all clients, especially transgender and gender-diverse people.

We will continue to advocate for the dignity, safety, and rights of transgender people in Texas. Additional guidance and communication will be shared by our organizations as we continue to review this opinion and its implications.

[Texas Association for Marriage and Family Therapy](#)

[Texas Society for Clinical Social Work](#)

[Texas Counseling Association](#)

[National Association of Social Workers - Texas Chapter](#)