

**Texas State Board of Examiners of Marriage and Family Therapists
with Texas Behavioral Health Executive Council**

BOARD MEETING BY VIDEOCONFERENCE

Tuesday, January 12, 2021, 11:30 a.m.
(or upon conclusion of certain BHEC agenda items)
333 Guadalupe, Suite 3-900
Austin, Texas 78701

Due to Governor Greg Abbott's March 13, 2020, proclamation of a state of disaster affecting all counties in Texas due to the Coronavirus (COVID-19) and the Governor's March 16, 2020, suspension of certain provisions of the Texas Open Meetings Act, this meeting of the Texas State Board of Examiners of Marriage and Family Therapists (Board) will be held by videoconference, as authorized under Texas Government Code §551.127. There will be no physical meeting location open to the public so long as the disaster declaration is in effect.

Members of the public will have access and a means to participate in this meeting with two-way communication by entering the URL address <https://us02web.zoom.us/j/81972886231> into their web browser or by calling

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and entering meeting ID: 895 5998 8174.

An electronic copy of the agenda and any meeting materials will be available at <https://www.bhec.texas.gov/texas-state-board-of-examiners-of-marriage-and-family-therapists/important-dates/index.html> before the meeting. A recording of the meeting will be available after the meeting is adjourned. To obtain a recording, please email your request to open.records@bhec.texas.gov.

FOR THOSE WHO WISH TO PROVIDE PUBLIC COMMENT: When the public comment agenda item is announced, if you have joined the meeting by computer, please use the "raise hand" feature to indicate you would like to provide a public comment. Those who raise a hand will then be unmuted to give public comment. After all those who raised a hand have been given an opportunity to provide public comment, staff will call upon and unmute those who have joined the meeting by telephone. When providing public comment, please identify yourself and whether you are speaking individually or on behalf of an organization. All public comments will be limited to three minutes, unless otherwise directed by the presiding officer. In lieu of providing public comment during the meeting, you may submit written public comments via email to directed to executive leadership or legal staff, please send an email to general@bhec.texas.gov before the meeting. Any written public comment received is submitted to the Board members for their consideration during the meeting, but is not read aloud.

In the event Governor Greg Abbott's March 13, 2020, disaster declaration is not renewed or expires prior to January 12, 2021, then pursuant to Texas Government Code, §551.127, notice is hereby given that one or more Board members may appear at the scheduled meeting via videoconference, but the presiding officer will be physically present at the above-noticed location. This location will be open to the public only in the event the March 13 disaster declaration is not renewed.

Please note that the Board may request input during the meeting from any interested parties or members of the public during its discussion of an agenda item.

If you are planning to attend this meeting and need auxiliary aids, services or materials in an alternate format, please contact the Board at least five working days before the meeting date. PHONE: (512) 305-7700, E-MAIL: general@bhec.texas.gov, TTY/RELAY TEXAS: 711 or 1- 800-RELAY TX.

The Board may go into Executive Session to deliberate any item listed on this agenda if authorized under Texas Open Meetings Act, Government Code, Chapter 551.

The Board may discuss and take action concerning any matter on the agenda and in a different order from what it appears herein.

AGENDA

(Merchant, Bartee, Bateman, Francis, Husband-Thompson, Parrish, Scoma, Smith, Stoglin)

1. Call meeting to order.
2. Discussion and possible action regarding public comment on proposed rule (published in the December 11, 2020 *Texas Register* [45 TexReg 8830] and recommendations to the Texas Behavioral Health Executive Council (Executive Council) concerning adoption of 22 Texas Administrative Code (22 TAC), §801.305 regarding Schedule of Sanctions.
3. Public Comment.
4. Adjournment.

This meeting is open to the public. No reservations are required and there is no cost to attend this meeting.

CONTACT: Sarah Faszholz, Board Administrator
Texas State Board of Examiners of Marriage and Family Therapists
general@bhec.texas.gov

Texas State Board of Examiners of Marriage and Family Therapists

January 12, 2021 MFT Board Meeting –

§801.305 Schedule of Sanctions

Proposed rules were published in the October 23, 2020 *Texas Register* [[45 TexReg 7515](#)].

Note: no tables or graphics were included in the PDF version of the *Texas Register*.

The October 23, 2020 proposed rules were withdrawn on November 30, 2020.

Corrected proposed rules were published in the December 11, 2020 *Texas Register* [[45 TexReg 8830](#)].

§801.305 Schedule of Sanctions

The following standard sanctions shall apply to violations of Texas Occupations Code, Chapter 502 and 22 Texas Administrative Code, Part 35.

Attached Graphic

Figure: 22 TAC §801.305

Rule	Action
801.43(b) Report alleged violations or misrepresentation	Level 5 Reprimand [Warning Letter]
801.43(c) Identify license, status, or other restriction	Level 5 Reprimand [Warning Letter]
801.43(d) Make false statement	Level 5 Reprimand
801.43(g) Make reasonable effort to prevent other's false statement	Level 5 Reprimand [Warning Letter]
801.44(a) Provide services only in the context of a professional relationship	Level 5 Reprimand
801.44(b) Fail to provide written information	Level 5 Reprimand
801.44(c) Fail to obtain appropriate consent or custody order	Level 5 Reprimand
801.44(d) Fail to provide written information regarding confidentiality	Level 5 Reprimand
801.44(e) Refer for pay	Level 3 Suspension [Administrative Penalty]
801.44(f) Exploit trust	Level 4 Probated Suspension
801.44(g) Act to meet personal needs	Level 4 Probated Suspension
801.44(h) Provide services to family, friends, educational or business associates, or others	Level 5 Reprimand
801.44(i) Maintain professional boundaries with clients and former clients	Level 5 Reprimand
801.44(k) Protect individual from harm resulting from group interaction	Level 5 Reprimand [Warning Letter]
801.44(l) Avoid non-therapeutic relationship with clients and former clients	Level 5 Reprimand [Conditional Letter of Agreement]
801.44(m) Bill only for services actually rendered or as agreed in writing	Level 5 Reprimand
801.44(n) End professional relationship when client is not benefitting	Level 4 Probated Suspension
801.44(n) Provide written referral and facilitate transfer to appropriate care	Level 5 Reprimand [Conditional Letter of Agreement]
801.44(o) Technology-assisted services, provide license number and council's contact information	Level 5 Reprimand [Warning Letter]
801.44(p) Provided services within competency and professional standards	Level 4 Probated Suspension
801.44(q) Base services on client assessment, evaluation, or diagnosis	Level 4 Probated Suspension
801.44(s) Promote or encourage illegal use of alcohol or drugs	Level 1 Revocation
801.44(t) Provide services to client served by another	Level 5 Reprimand

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801.44(u) Aid or abet or fail to report unlicensed practice	Level 2/3 Suspension
801.44(v) Enter a non-professional relationship with a client's family member or any person who has a personal or professional relationship with a client	Level 5 Reprimand
801.44(w) Provide services while impaired	Level 2/3 Suspension
801.45(b) Sexual contact with a protected person	Level 1 Revocation
801.45(c) Provide services to a former sexual partner	Level 1 Revocation
801.45(d) Therapeutic deception or sexual exploitation	Level 1 Revocation
801.46(a) Inform clients about testing as part of treatment	Level 5 Reprimand [Warning Letter]
801.46(c) Administer and interpret test with appropriate training, experience	Level 4 Probated Suspension
801.47 Use alcohol or drugs, adversely affecting provision of services	Level 2/3 Suspension
801.48(b) Disclose communication, record, or identity of a client	Level 4 Probated Suspension
801.48(c) Comply with statutes or rules, concerning confidential information	Level 4 Probated Suspension
801.48(d) Report or release information as required by statute	Level 4 Probated Suspension
801.48(d)(4) Report sexual misconduct per TCPRC 81.006	Level 5 Reprimand
801.48(e) Keep accurate records	Level 5 Reprimand [Conditional Letter of Agreement]
801.48(g) Maintain confidentiality in how client records are stored or disposed	Level 4 Probated Suspension
801.48(h) Plan for custody of records	Level 5 Reprimand
801.50 Appropriate use of assumed name	Level 5 Reprimand [Warning Letter]
801.53(a) Advertise with false information	Level 5 Reprimand
801.53(d) Advertisement must state license title	Level 5 Reprimand [Warning Letter]
801.53(e) Ad with confusing membership or certification outside field of therapy	Level 5 Reprimand [Warning Letter]
801.53(f) Advertisement must state provisional license	Level 5 Reprimand [Warning Letter]
801.53(g) Reasonable steps to correct or minimize misuse of license certificate or misrepresentation of licensee's services	Level 5 Reprimand [Warning Letter]
801.55(e) Dual relationship: Provide MFT and parenting coordination services	Level 4 Probated Suspension
801.56(d) Dual relationship: Provide MFT and parenting facilitation services	Level 4 Probated Suspension
801.57(d) Dual relationship: Provide any service and custody evaluation	Level 4 Probated Suspension
801.57(e) Offer expert opinion related to child custody	Level 2/3 Suspension
801.57(f) Failure to inform client and proper informed consent	Level 5 Reprimand
801.57(g) Associate must not conduct child custody or adoption evaluations	Level 4 Probated Suspension
801.58(d) Required training for technology-assisted services	Level 5 Reprimand
801.58(h) Failure to inform client and proper informed consent	Level 5 Reprimand
801.58(i) Meet legal requirements of health information privacy and security	Level 4 Probated Suspension
801.143(b) Supervisor may not be employed by supervisee	Level 5 Reprimand
801.143(c) Supervisor may not be related to supervisee	Level 5 Reprimand

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801.143(d) Supervisor must timely process and maintain Associate's file	<u>Level 5 Reprimand</u> [Conditional Letter of Agreement]
801.143(e) Supervisor must submit timely written notice when supervision ends	<u>Level 5 Reprimand</u> [Warning Letter]
801.143(f)(1) Supervisor must ensure Associate adheres to all laws and rules	<u>Level 5 Reprimand</u> [Warning Letter]
801.143(f)(2) Supervisor/Associate dual relationship	Level 5 Reprimand
801.143(f)(4) Supervisor must implement Associate's written remediation plan	Level 5 Reprimand
801.143(f)(5) Supervisor must timely submit accurate experience documents	Level 5 Reprimand
801.143(i) Supervisor fails to renew and continues to represent as a supervisor	Level 5 Reprimand
801.143(j) Supervisor with status other than "current, active" or after supervisor status is removed and continues to supervise	Level 4 Probated Suspension
801.143(k) Disciplined supervisor must inform all Associates of council action, refund fees, and assist Associates to find alternate supervision	Level 5 Reprimand
801.143(l) Supervise without being currently approved supervisor	Level 4 Probated Suspension

[Figure 22 TAC §801.305]

Public Comment

As of 1/4/2021 – no public comment received.