TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS

MEMBERS OF THE BOARD

Steven Hallbauer, Board Chair
Christopher Taylor, LPC-S Board Vice-Chair
Dr. Lia Amuna, LPC
Dr. Loretta J. Bradley, LPC-S
Brenda S. Compagnone, LPC-S
Vanessa Hall
Garrett Nerren
Roy Smith
Janie Stubblefield, LPC-S

Cristina De Luna
Board Administrator

TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS
FULL BOARD MEETING AGENDA
Friday, February 11, 2022 9am

The February 11, 2022 meeting of the Texas State Board of Examiners of Professional Counselors will be held by videoconference call, as authorized under Texas Government Code section 551.127. One or more Board members may appear at the scheduled meeting via videoconference call, but the presiding member will be physically present at 333 Guadalupe St., Ste. 3-900, Austin, Texas 78701. The conference room where the presiding member is located will be open to the public, but seating is limited to first come, first served. Due to the size of the available meeting room, public seating will be limited to four (4) individuals.

In lieu of attending in person, members of the public are encouraged to access and participate virtually in this meeting by entering the URL address https://us02web.zoom.us/j/85278857483 webinar ID 852 7885 7483 into their web browser. Telephone access numbers and additional videoconference call access information can be found in the attached addendum. An electronic copy of the agenda and meeting materials will be made available at www.bhec.texas.gov prior to the meeting. A recording of the meeting will be made available on the Council's YouTube channel after the meeting is adjourned. To obtain a copy of the recording, please contact the Council's public information officer at Open.Records@bhec.texas.gov.

For members of the public wishing to give public comment, once the public comment item is reached on the agenda after the meeting convenes, the presiding member will allow those who are attending in person to give public comment first and then ask those joining by computer to use the "raise hand" feature to indicate who would like to make a public comment. Those individuals who raise their hand will then be unmuted to give public comment. Once all of the individuals with raised hands have been given an opportunity to make public comment, the individuals appearing by telephone will be unmuted and asked whether they would like to make a public comment. Please note that public comment is not intended for a discussion or a question-and-answer session with the Board. Additionally, when making a public comment, please identify yourself and whether you are speaking individually or on behalf of an organization. All public comments will be limited to 3 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 General@bhec.texas.gov in advance of the meeting. Please use the email subject line "Public Comment for (enter date of meeting here) Meeting" to ensure your comments are identified as such and directed accordingly. Only those written public comments received by 5pm on the last business day prior to the meeting will be submitted to the board members for their consideration. No written comments received will be read aloud during the meeting.

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 5 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, Ch. 551.

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

Texas State Board of Examiners of Professional Counselors Full Board Agenda for February 11, 2022, at 9:00 a.m.

(Steven Hallbauer-Chair, Lia Amuna, Loretta Bradley, Brenda Compagnone, Vanessa Hall, Garrett Nerren, Roy Smith, Janie Stubblefield, Christopher Taylor)

1. Call to Order.
2. Roll Call and Certification of Quorum
3. Discussion and possible action concerning approval of minutes from the November 12, 2021 Board meeting.
4. Board review and possible action regarding Application Review or Denial.
   A. Chanell Nash
   B. John Vickers
5. Discussion and possible action regarding orders to be executed by Board Chair.
6. Report of orders from Q1 executed by Council's Executive Director.
7. Discussion and possible action regarding petition for rulemaking related to §681.72(a)(3) and (c)(4) related to expiration of the national exam.
8. Reports Review:
   A. Q1 Performance Measure Report
   B. Q1 Enforcement Status Report
   C. Q1 Complaint Dismissal Report
9. Discussion and possible action related to State Office of Administrative Hearings (SOAH) Proposals for Decision (PFD) and Default Dismissal Orders, and possible orders to be recommended or ratified by the Board.
10. Rulemaking - Texas State Board of Examiners of Professional Counselors:
    A. Review of the following adopted rule changes: *(No action necessary at this time – Council approved at February 1, 2022, meeting. Will be posted to Texas Register.)*
       i. 681.2, Definitions
       ii. 681.91, LPC Associate License

iii. 681.93, Supervisor Requirements

B. Consideration and possible adoption of the following proposed rule changes.

Board Action Needed:

i. 681.6, Minutes
ii. 681.205, Schedule of Sanctions

11. Discussion and possible action concerning Committee Reports.

A. Rules Committee

Proposed language related to Continuing Education Standards.

i. New 681.140;
ii. Repeal of 681.141, 681.142, 681.143, and 681.145; and
iii. Amended 681.147.

B. Proposed language relating to Academic Course Content – 681.83.

12. Counseling Compact information and discussion on Texas position.

13. Board Chair Report and update concerning current challenges and accomplishments; interaction with stakeholders, state officials, and staff; workload of Board members; and general information regarding the routine functioning of the Board, including BHEC updates.

14. Board Administrator Report concerning program operations; customer service accomplishments and challenges; workload processing; general information regarding the routine functioning of the licensure program; and enforcement compliance.

15. Public Comments – Public Comment is limited to three (3) minutes per person, unless otherwise directed by the presiding officer. Please note that the Board may not discuss or act on any matter raised during public comment, except to decide whether to place the matter on the agenda of a future meeting.

16. Items for consideration for future committee and Board meeting agendas.

17. Announcements and comments not requiring Board action, such as statements regarding conferences, future board meetings, and other recent or upcoming events.

TACES Conference – February 24th
AASCB Virtual Conference – February 4th & 18th
TSBEPC Full Board Mtg – May 6th
TSBEPC Full Board Mtg – September 9th
TSBEPC Full Board Mtg – November 4th

18. Adjournment

Addendum: Additional Videoconference and Telephone Conference Call Information

When: February 11, 2022 09:00 AM Central Time (US and Canada)
Topic: Texas State Board of Examiners of Professional Counselors February 11, 2022 Full Board Meeting

Please click the link below to join the webinar:

https://us02web.zoom.us/j/85278857483

Or One tap mobile: US: US: +13462487799,,85278857483# or +16699009128,,85278857483#

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Webinar ID: 852 7885 7483

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TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS

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Roy Smith
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Cristina De Luna
Board Administrator

MEETING MINUTES
November 12, 2021

The Texas State Board of Examiners of Professional Counselors Meeting met via Zoom video conference on November 12, 2021. The following Board members were in attendance: Steven Hallbauer-Chair, Dr. Christopher Taylor-Vice Chair, Dr. Lia Amuna, Dr. Loretta Bradley, Brenda Compagnone, Roy Smith, and Janie Stubblefield. Also, in attendance was Cristina De Luna, Board Administrator of the LPC Board.

The following Board members had an approved absence from the November 12, 2021 meeting: Vanessa Hall and Garrett Nerren.

Friday, November 12, 2021

1.The meeting was called to order at 9:08 a.m. by Chair Steven Hallbauer.

2.The Board moved into Item II, Introduction of members and staff.

3.The Board moved into Item III, Meeting Minutes.

> A MOTION WAS MADE BY DR. CHRISTOPHER TAYLOR AND SECONDED BY BRENDA COMPAGNONE TO APPROVE THE MINUTES OF THE NOVEMBER 12, 2021, BOARD MEETING AS SUBMITTED. THE VOTE WAS APPROVED UNANIMOUSLY.

4.The Board moved into Item IV, Board review and possible action regarding Application Denial(s).

> A. A MOTION WAS MADE IN REGARD TO JUAN CARRILLO'S APPLICATION FOR UPGRADE BY CHRISTOPHER TAYLOR TO REMOVE A BARRIER TO LICENURE BASED ON PAST SUPERVISOR RESERVATIONS AND ALLOW STAFF TO CONTINUE WITH THE UPGRADE PROCESS. THE MOTION WAS SECONDED BY DR. LORETTA BRADLEY. THE VOTE WAS APPROVED UNANIMOUSLY. JUAN CARRILLO AND HIS LEGAL REPRESENTATION WERE PRESENT VIA ZOOM AND DID RECEIVE APPROPRIATE NOTICE OF THE MEETING.

5. The Board moved into Item V, Discussion and possible action, regarding reports of orders from fourth quarter executed by the Board Chair.

> A MOTION WAS MADE IN REGRADS TO AGREED ORDERS FOR CASE 1061-09-0007, 1061-09-0051, 1061-10-0020, AND 1061-10-0064. THE MOTION WAS APPROVED UNANIMOUSLY WITH THE RECUSAL OF CHRISTOPHER TAYLOR.

6. The Board moved into Item VI, Discussion and possible action, regarding reports of orders from fourth quarter executed by Council's Executive Director.

NO ACTION TAKEN.

7. The Board moved into Item VII, Discussion and possible action regarding petition related to §681.2(18) and all associated rules related to LPC Associates.

A MOTION WAS MADE BY BRENDA COMPAGNONE AND SECONDED BY LORETTA BRADLEY TO DENY THE PETITION FOR RULEMAKING. THE MOTION WAS APPROVED UNANIMOUSLY.

8. The Board moved into Item XIII, Updated reports regarding Q4 Performance Measures, Q4 Enforcement Status Report, Annual Enforcement Actions, Annual Performance Measure Report, and Q4 Complaints Dismissal Report.

NO MOTION NEEDED.

9. The Board moved into Item IX, Discussion and possible action related to State Office of Administrative Hearings (SOAH) Proposals for Decision (PFD) and possible orders to be recommended or ratified by the Board.

NO ACTION NEEDED

10. The Board moved into Item X, Rulemaking – Texas State Board of Examiners of Professional Counselors:

Aia. A MOTION WAS MADE BY DR. CHRISTOPHER TAYLOR AND SECONDED BY BRENDA COMPAGNONE TO ACCEPT PROPOSED LANGUAGE FOR 681.2. DR. LORETTA BRADLEY OPPOSED.

Aib. A MOTION WAS MADE BY CHRISTOPHER TAYLOE AND SECONDED BY BRENDA COMPAGNONE TO ACCEPT PROPOSED LANGUAGE FOR 681.91. THE MOTION WAS APPROVED UNANIMOUSLY.

Aic. A MOTION WAS MADE BY DR. CHRISTOPHER TAYLOR AND SECONDED BY BRENDA COMPAGNONE TO ACCEPT PROPOSED LANGUAGE FOR 681.93. THE MOTION WAS APPROVED UNANIMOUSLY.

Bia. NO MOTION NECESSARY TO PROPOSED RULE 681.6.

Bib. NO MOTION NECESSARY TO PROPOSED RULE 681.83.

Bic. NO MOTION NECESSARY TO PROPOSED RULE 681.205.

Biia. NO MOTION NECESSARY TO PROPOSED RULE 681.41.

Biib. NO MOTION NECESSARY TO PROPOSED RULE 681.72.

Biic. NO MOTION NECESSARY TO PROPOSED RULE 681.73.

Biid. NO MOTION NECESSARY TO PROPOSED RULE 681.82.

Biie. NO MOTION NECESSARY TO PROPOSED RULE 681.114.

Biif. NO MOTION NECESSARY TO PROPOSED RULE 681.205.

11. The board moved into Item XI, Discussion and possible action concerning Committee Reports:

12. The Board moved into Item XIII, Counseling Compact information and discussion on Texas position.

The Texas Board continues to support joining the Counseling Compact. Currently the Board awaits this item to be sponsored and proposed during the next Legislative Session.

13. The Board moved into Item XIII, Discussion and possible action concerning phone scams against counselors.

The Texas Board would like to get the word out to be cautious of phone, email, and mail scams and to be sure to protect yourselves.

14. The Board moved into Item XIII, Nomination and voting of one professional member and an alternate to serve on Texas Behavioral Health Executive Council.

A MOTION WAS MADE BY LIA AMUNA AND SECONDED BY BRENDA COMPAGNONE TO REAPPOINT CHRISTOPHER TAYLOR TO SERVE AS THE PROFESSIONAL MEMBER ON BHEC. THE MOTION WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY LIA AMUNA AND SECONDED BY BRENDA COMPAGNONE TO REAPPOINT JANIE STUBBLEFIELD TO SERVE AS THE ALTERNATE PROFESSIONAL MEMBER ON BHEC. THE MOTION WAS APPROVED UNANIMOUSLY.

15.The Board moved into Item XII, Board Chair Report and update concerning current challenges and accomplishments; interaction with stakeholders, state officials, and staff; workload of Board members; and general information regarding the routine functioning of the Board and BHEC.

Chair Steven Hallbauer BHEC has continues to do a lot of work. Council Fee Committee continues to see how they can improve fees for applicants and licensees. Chair reminded the public of the email alert notification so they can keep up with any changes or discussions going on with the board.

Executive Director, Darrel Spinks noted the BHEC Standardization Committee continues to put a lot of work into a proposal for the boards.

16. The Board moved into Item XI, Board Administrator's Report concerning program operations; customer service accomplishments and challenges; workload processing; and general information regarding the routine functioning of the licensure program and enforcement compliance.

Board Administrator providing update – Application timeframes can be found on our website; if applied prior to the date listed the applicant should look at their emails as staff will send a deficiency for any items missing. The applicant should submit documents using the Contact Us Form on the board's website. You may also access past board and Council meetings using the BHEC YouTube channel. There are 29 cases being monitored by for Enforcement Actions.

17. The Board moved into Item XII, Public comments – Public comment is limited to three (3) minutes per person, unless otherwise directed by the presiding officer. Please note that the Council may not discuss or act on any matter raised during public comment, except to decide whether to place the matter on the agenda of a future meeting.

- Written Public Comment was provided to the board members prior to the meeting with over 2,000 signatures noting they did not support the proposed rules under §681.83.

- Sandra Martin with Christian Counselors of Texas appreciated being able to be a part of the Committee meetings being open to the public in the past. She also noted that supervisor loads we be eased now based on the proposed changes to rules. Supervisors are not forced to supervisor all Associates who will have a private practice.
- Dr. Katherine Bacon with the Texas Counseling Association. TCA appreciates the Human Trafficking FAQ's to be posted to the website to assist with inquiries. TCA supports the Counseling Compact and continues to advocate for sponsorship.
- Angela Bulls with the Texas Counseling Association noted how appreciative she is that the board has a plan to how the review process will be completed related to academic requirements and wants to ensure the changes will not impact the ability to be part of the Counseling Compact.
- Betty Dawson with the Texas Association of Psychological Associates explains her concern is not the difference between counselor and psychological as these terms have always been used. The concern is with the word "Associate" that has two very different meanings. LPC-Associate appears to be parallel with Licensed Psychological Associate, which it is not. The organization continues to oppose this change.
- Mario De La Garza with Texas Association for Counselor Education and Supervision. TACES would like to thank Chair Hallbauer for requesting BHEC take no action to proposed academic coursework content language. TACES has concerns with the impact it could have to supervisors and those who are sitting to take the national exam. Individuals who have a counseling-related degree should be looked at more closely to ensure they have the knowledge required. TACES is concerned this change could hurt the ability to be part of the Counseling Compact.
- Kerry Proctor LPC in Texas. Appreciates the move to the academic discussion is being sent to the Rules Committee. Feels that the academic standards in important for the Counseling Compact.
- Diane Smiley LPC in Texas. Agrees that efficiency is important and appreciates the changes in processing times. Was initially concerned with how the board was handling the academic coursework and now that would affect supervisors. Appreciated that the proposed language has been send back to review again. She noted the board needs to ensure the public is protected.
- Tom Kennedy with Christian Counselors of Texas. Appreciates the boards work and the support of the Counseling Compact.

18. The Board moved to Item XIII, Items for consideration for future committee and Board meeting agendas.

Christopher Taylor requests the Human Trafficking course be counted as continuing education. This will be proposed to the BHEC Standardization Committee.

19. The Board moved into Item XV, Announcements and comments not requiring Board action, such as statements regarding conferences, future board meetings, and other recent or upcoming events.

- TCA Conference – November 2021
- Christian Counselors of Texas – February 10-12, 2022
- TSBEPC Full Board Mtg – February 11, 2022
- TACES Conference February 23-25, 2022

20. Adjournment

A MOTION WAS MADE BY DR. CHRISTOPHER TAYLOR AND SECONDED BY DR. LIA AMUNA TO ADJOURN THE MEETING. THE MOTION WAS APPROVED UNANIMOUSLY.

Chair Steven Hallbauer

COMPLAINT NO. 1061-14-0174

IN THE MATTER OF	§	**BEFORE THE TEXAS BEHAVIORAL**
	§	**HEALTH EXECUTIVE COUNCIL**
	§	
	§	**THE TEXAS STATE BOARD**
	§	**OF EXAMINERS OF**
CANDIS FIRCHAU	§	**PROFESSIONAL COUNSELORS**

AGREED ORDER

Pursuant to the authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of the Council, which have been approved and accepted by **CANDIS FIRCHAU** ("Respondent") and which constitutes a full settlement and compromise of the complaint currently pending against Respondent before the Council in the above-referenced and numbered matter.

FINDINGS OF FACT

1. Respondent is licensed as a professional counselor-supervisor (#59706) in the State of Texas and is therefore subject to the jurisdiction of the Council.

2. On or about June 27, 2013, Respondent failed to report an allegation child abuse within the required forty-eight-hour timeframe. Respondent maintains that she did report the allegation of child abuse but is unable to provide documented proof of reporting.

3. On or about January 24, 2014, Respondent failed to provide a client with a copy of the client's mental health records.

4. During 2013, Respondent entered into a nontherapeutic or dual relationship with a client by having the client perform some computer-related work for the Respondent.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.

2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§ 503.401, 507.301, and 507.351 of the Texas Occupations Code.

3. Based on the above Findings of Fact, the Council finds that Respondent violated Rules then in effect: 22 Tex. Admin. Code § 681.45(c) and Tex. Health & Safety Code § 611.008(a)(1); 22 Tex. Admin. Code § 681.45 (d)(1) and Tex. Fam. Code § 261.101(b); and 22 Tex. Admin. Code § 681.41(l)(1)(5)(B).

4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent's license is hereby REPRIMANDED.

2. Administrative Penalty. Respondent is assessed and shall pay, within thirty (30) days of the date this order is ratified, an administrative penalty in the total amount of $250.00; of which $200.00 represents administrative costs and $50.00 represents administrative penalty.

WARNING

RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.

THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:

Marc M Meyer

Marc M. Meyer
Texas Bar No. 24070266
Attorney for Respondent
525 Woodland Square Blvd
Suite 250
Conroe, Texas 77384

DATE SIGNED: September 23, 2021

FOR THE STAFF OF THE COUNCIL:

Mary Kay Sicola
Texas Bar No. 18339800
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 9/27/2021

AGREED: Candis F

Candis Firchau (# 59706)

DATE SIGNED: 9/23/2021

APPROVED, RATIFIED, AND ENTERED THIS 28th DAY OF September, 2021.

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO.1061-20-0234

IN THE MATTER OF	§	**BEFORE THE TEXAS BEHAVIORAL**
	§	**HEALTH EXECUTIVE COUNCIL**
	§	
	§	**THE TEXAS STATE BOARD**
	§	**OF EXAMINERS OF**
CARL WELDER	§	**PROFESSIONAL COUNSELORS**

AGREED ORDER

Pursuant to the authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of the Council, which have been approved and accepted by **Carl Welder** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a Professional Counselor (#61035) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.

2. On or about June 8, 2020, Respondent failed to take reasonable precautions to protect a client from emotional harm resulting from an interaction in individual counseling.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.

2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 507.301, and 507.351 of the Texas Occupations Code.

3. Based on the above Findings of Fact, the Council finds that Respondent violated Council Rules 22 TAC §§ 681.41(p).

4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law but agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent's license is hereby REPRIMANDED.

2. Respondent shall be required to practice under the supervision of a practice monitor for a period of no less than one (1) year from the date this order is ratified. Respondent shall, within fourteen (14) days of the date this order is ratified, submit to the Council, or its designee, for approval the name and qualifications of an LPC-S who has agreed to serve as a practice monitor. The practice monitor shall (1) be a Texas-licensed LPC-S with no record of disciplinary actions; (2) have no business, professional, personal, or other relationship with Respondent that would interfere with the practice monitor's function or duties; and (3) possess specialized knowledge, education and experience in the same field of practice as that of Respondent.

   Once approved, the practice monitor shall submit to the Council, or its designee, a monitoring contract and plan by which Respondent's practice shall be monitored for compliance with ethical and legal practice standards, as well as the terms of this Order. Monitoring shall consist of at least one (1) hour of individual face-to-face meetings every two weeks. The Respondent shall provide the practice monitor with a copy of this Order and access to Respondent's records. Respondent shall execute a release authorizing the practice monitor to divulge any information the Council or its designee may request.

   It shall be Respondent's responsibility to assure the practice monitor submits written reports to the Council or its designee on a quarterly basis verifying that monitoring has taken place and providing an evaluation of Respondent's performance. At the Council's discretion, if any of these reports provides sufficient concern, the Council may impose further monitoring requirements and/or take other appropriate actions to ensure the safety of the public.

   In the event Respondent's monitor indicates that Respondent is fit to practice professional counseling but makes recommendations concerning reasonable steps Respondent must or should take to enhance or maintain Respondent's fitness to practice professional counseling, Respondent shall comply with any and all recommendations made by Respondent's monitor. If Respondent refuses or fails to follow the recommendations, Respondent agrees that Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review;

pending further review of Respondent by the Council, or its designee.

If the monitor concludes there is sufficient concern or need to impose further requirements, restrictions, and/or take other appropriate actions to ensure the safety of the public the Council, or its designee, may do so at its own discretion. In the event Respondent refuses or fails to follow the additional requirements or restrictions imposed by the Council, or its designee, Respondent agrees that Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review, pending further review of Respondent by the Council, or its designee.

After a full year of supervision, and only if the Respondent's practice monitor recommends doing so in writing, Respondent may submit a written request to the Council, or it designee, to end this required supervision. A full year of supervision shall be 365 days from the date Respondent has the first supervision session and continued for the minimum required two (2) session per month. If the practice monitor cannot continue the monitoring engagement, Respondent shall get approval from the Council or its designee for a new practice monitor. If no new practice monitor is approved, Respondent shall not practice until a new practice monitor has been approved. If Respondent does not have at least one (1) hour of individual face-to-face supervision every two weeks Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review, until supervision resumes and the practice monitor submits a report attesting to Respondent's fitness to provide professional counseling services in safe and competent manner. During any period of suspension, non-practice, or non-supervision by a practice monitor, the one (1) year practice monitoring time period shall be tolled and shall not apply to the reduction of this required one (1) year practice monitoring time period. Respondent shall pay all costs associated with this practice monitoring requirement. RESPONDENT AGREES THAT ANY FAILURE TO COMPLY WITH THE PRACTICE MONITORING REQUIREMENTS, OR ANY OTHER TERM IN THIS ORDER, SHALL CONSTITUTE IMMEDIATE GROUNDS FOR REVOCATION OF RESPONDENT'S LICENSE.

3. Respondent shall be required to participate in therapy for no less than one year from the date this order is ratified. Respondent shall, within fourteen (14) days of the date this order is ratified, submit to the Council, or its designee, for approval the name and qualifications of a therapist who has agreed to provide Respondent therapy. The therapist shall (1) be a Texas-licensed LPC, LMFT, LCSW, or psychologist with no record of disciplinary actions; and (2) have no business, professional, personal, or other relationship with Respondent that would interfere with the therapist's function or duties. Once approved, the therapist shall submit to the Council, or its designee, a treatment plan by which the therapist plans to assess and treat the Respondent; the therapist may make modification to the treatment plan at the therapist's discretion, and any medications shall be reported to the Council, or its designee, in writing. Respondent must attend therapy at least four times a month but if Respondent's therapist recommends therapy on a more

frequent basis, then Respondent must comply with such recommendations.

It shall be Respondent's responsibility to assure the therapist submits written reports to the Council, or its designee, on a quarterly basis verifying that therapy has taken place, providing a general opinion and evaluation of the Respondent, and providing an opinion regarding the Respondent's ability to provide professional counseling services in safe and competent manner as well as any recommendations to enhance or maintain Respondent's fitness to practice professional counseling.

In the event Respondent's therapist indicates that Respondent is fit to practice professional counseling but makes recommendations concerning reasonable steps Respondent must or should take to enhance or maintain Respondent's fitness to practice professional counseling, Respondent shall comply with any and all recommendations made by Respondent's therapist. If Respondent refuses or fails to follow the recommendations, Respondent agrees that Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review; pending further review of Respondent by the Council, or its designee.

If the therapist concludes there is sufficient concern or need to impose further requirements, restrictions, and/or take other appropriate actions to ensure the safety of the public the Council, or its designee, may do so at its own discretion. In the event Respondent refuses or fails to follow the additional requirements or restrictions imposed by the Council, or its designee, Respondent agrees that Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review; pending further review of Respondent by the Council, or its designee.

After a full year of therapy, and only if the Respondent's therapist recommends doing so in writing, Respondent may submit a written request to the Council, or it designee, to end this required therapy. A full year of therapy shall be 365 days from the date Respondent has the first therapy session and continued for the minimum required four (4) session per month. If the therapist cannot continue providing therapy, Respondent shall get approval from the Council, or its designee, for a new therapist. If Respondent does not have any therapy for a period of more than thirty (30) days Respondent's license shall be SUSPENDED until therapy resumes and the therapist submits a report attesting to Respondent's fitness to provide professional counseling services in safe and competent manner. During any period of non-practice or non-therapy, the therapy time period shall be tolled and any period of non-practice or non-therapy shall not apply to the reduction of this time period. Respondent shall pay all costs associated with this therapy requirement.

4. Respondent, within five (5) months of the date this order is ratified, shall complete and submit proof of completion of five (5) hours of professional development relating to telehealth best practices. This professional development is in addition to the professional development hours required for license renewal. Respondent will pay all costs of the

coursework. The Respondent's completion of courses, Ethics and Technology completed on April 6, 2021, and Ethics and Telemental Health completed on April 7, 2021, will satisfy this paragraph's requirement.

5 Respondent is prohibited from having any type of contact with the client, who was the subject of this complaint.

6 Respondent shall comply will all aspects of HIPAA including those governing conducting the business of counseling via telephone, but the Respondent is prohibited from conducting the business of counseling via text message or email, except through the use of a telehealth website or platform where such text or email communications are saved, stored, and HIPAA compliant.

7 Respondent is assessed and shall pay, within ninety (90) days of the date this order is ratified, an administrative penalty in the total amount of $2,500.00; of which $2,000.00 represents administrative costs and $500.00 represents administrative penalty.

WARNING

RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

On the underlying investigative file, Respondent has waived his or her right to a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.

THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF

FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:

Carl Welder
6846 La Concha Pass
Austin, Texas 78749

DATE SIGNED: 9-13-21

Amanda Ellis
Attorney for Carl Welder

DATE SIGNED: 9.13.21

FOR THE STAFF OF THE COUNCIL:

Rae-Ann Allong
Texas Bar No. 01100400
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 9/13/2021

APPROVED, RATIFIED, AND ENTERED THIS 14th DAY OF September, 2021.

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 2021-00251-57741

IN THE MATTER OF	§	**BEFORE THE TEXAS BEHAVIORAL**
	§	**HEALTH EXECUTIVE COUNCIL**
	§	
	§	**THE TEXAS STATE BOARD**
	§	**OF EXAMINERS OF**
FRANK LYNN DEL RIO	§	**PROFESSIONAL COUNSELORS**

AGREED ORDER

Pursuant to its authority under §507.305 of the Texas Occupations Code; 22 Texas Administrative Code §884.12(e); and §2001.056 of the Government Code, the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of the Council, which have been approved and accepted by **FRANK LYNN DEL RIO** (Respondent) and which constitutes a full settlement and compromise of all complaints currently pending against Respondent before the Council in the above-referenced and numbered matter.

FINDINGS OF FACT

1. Respondent is licensed as a Professional Counselor (LPC) (#57741) in the State of Texas and is, therefore, subject to the jurisdiction of the Council under the Act.

2. On or about February 21, 2021, Respondent pleaded guilty to insurance fraud and was placed on five years deferred adjudication probation in Wichita County, Texas.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30, 35, and 41. Respondent has fully paid restitution, all costs of probation, and has completed the court-ordered community service.

2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§ 503.401, 507.301, and 507.351 of the Texas Occupations Code.

3. Based on the above Findings of Fact, the Council finds that Respondent violated 22 Tex. Admin. Code § 882.42(d)(2) and Tex. Occ. Code § 105.002(a)(2).

4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is not

admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent's license is actively SUSPENDED until such time as he provides the Council written proof of successful completion and discharge from his deferred adjudication probation, No. DC89-CR2020-1101, 89th District Court of Wichita County, Texas. Although the suspension as ordered herein will result in Respondent's license being restricted, Respondent shall take all steps necessary to renew and maintain Respondent's license while this order is in effect. Respondent's license shall remain on restricted status until all terms of this order have been satisfactorily completed.

WARNING

RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.

THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:

Mike Uhl
Texas Bar No. 20371050
Attorney for Respondent
Law Office of Michael J. Uhl
500 N. Akard Street, Ste. 2150
Dallas, Texas 75201

DATE SIGNED: 9/3/21

AGREED: _____
Frank Lynn Del Rio (# 57741)

DATE SIGNED: 9-3-21

FOR THE STAFF OF THE COUNCIL:

Mary Kay Sicola
Texas Bar No. 18339800
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 9/7/2021

APPROVED, RATIFIED, AND ENTERED THIS 8th DAY OF September, 2021.

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NOS. 1061-16-0202 and 1061-16-0169

IN THE MATTER OF	§	**BEFORE THE TEXAS BEHAVIORAL**
	§	**HEALTH EXECUTIVE COUNCIL**
	§	
	§	**THE TEXAS STATE BOARD**
	§	**OF EXAMINERS OF**
JOAQUIM BRAGA	§	**PROFESSIONAL COUNSELORS**

AGREED ORDER

Pursuant to the authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of the Council, which have been approved and accepted by **Joaquim Braga** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a Professional Counselor (#63433) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.

2. Respondent did on or about January 7, 2016, failed to maintain professional boundaries by making inappropriate advances toward a former Licensed Professional Counselor Intern. The Respondent denies this allegation.

3. Respondent did on or about March 20, 2016, by his own admission, the Respondent failed to maintain professional boundaries by making inappropriate comments to a client.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.

2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 507.301, and 507.351 of the Texas Occupations Code.

3. Based on the above Findings of Fact, the Council finds that Respondent violated Council Rules 22 TAC §§681.41 (l) and (m).

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent's license is SUSPENDED for a period of four (4) years from the effective date of this order. The first three (3) months will be an active suspension. However, the remaining period of the four (4) years of suspension shall be PROBATED, so long as Respondent complies with all state and federal statutes and regulations pertaining to the practice of licensed professional counselors. Although the suspension and probated suspension ordered herein will result in Respondent's license being restricted, Respondent shall take all steps necessary to renew and maintain Respondent's license while this order is in effect.

2. Respondent is assessed and shall pay, within ninety (90) days of the date this order is ratified, an administrative penalty in the total amount of $1,500.00; of which $1,400.00 represents administrative costs and $100.00 represents administrative penalty.

3. Respondent, within ninety (90) days of the date this order is ratified, shall complete and submit proof of completion of ten (10) hours of professional development relating to professional ethics and boundaries, or any combination thereof. This professional development is in addition to the professional development hours required for license renewal. Respondent will pay all costs of the coursework.

4. Respondent shall be required to practice under the supervision of a practice monitor for a period of no less than three (3) years from the date this order is ratified. Respondent shall, within fourteen (14) days of the date this order is ratified, submit to the Council, or its designee, for approval the name and qualifications of an LPC-S who has agreed to serve as a practice monitor. The practice monitor shall (1) be a Texas-licensed LPC-S with no record of disciplinary actions; (2) have no business, professional, personal, or other relationship with Respondent that would interfere with the practice monitor's function or duties; and (3) possess specialized knowledge, education and experience in the same field of practice as that of Respondent.

   Once approved, the practice monitor shall submit to the Council, or its designee, a monitoring contract and plan by which Respondent's practice shall be monitored for compliance with ethical and legal practice standards, as well as the terms of this Order. Monitoring shall consist of at least one (1) hour of individual face-to-face meetings (which can include video conferencing) every month. The Respondent shall provide the practice monitor with a copy of this Order and access to Respondent's records. Respondent shall execute a release authorizing the practice monitor to divulge any information the Council or its designee may request.

It shall be Respondent's responsibility to assure the practice monitor submits written reports to the Council or its designee on a quarterly basis verifying that monitoring has taken place and providing an evaluation of Respondent's performance. At the Council's discretion, if any of these reports provides sufficient concern, the Council may impose further monitoring requirements and/or take other appropriate actions to ensure the safety of the public.

In the event Respondent's monitor indicates that Respondent is fit to practice professional counseling but makes recommendations concerning reasonable steps Respondent must or should take to enhance or maintain Respondent's fitness to practice professional counseling, Respondent shall comply with any and all recommendations made by Respondent's monitor. If Respondent refuses or fails to follow the recommendations, Respondent agrees that Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review, pending further review of Respondent with the Council, or its designee.

If the monitor concludes there is sufficient concern or need to impose further requirements, restrictions, and/or take other appropriate actions to ensure the safety of the public the Council, or its designee, may do so at its own discretion. In the event Respondent refuses or fails to follow the additional requirements or restrictions imposed by the Council, or its designee, Respondent agrees that Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review, pending further review of Respondent with the Council, or its designee.

A full year of supervision shall be 365 days from the date Respondent has the first supervision session and continued for the minimum required one (1) session per month. If the practice monitor cannot continue the monitoring engagement, Respondent shall get approval from the Council or its designee for a new practice monitor. If no new practice monitor is approved, Respondent shall not practice until a new practice monitor has been approved. If Respondent does not have at least one (1) hour of individual face-to-face supervision every month Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review, until supervision resumes, and the practice monitor submits a report attesting to Respondent's fitness to provide professional counseling services in safe and competent manner. During any period of suspension, non-practice, or non-supervision by a practice monitor, the three (3) year practice monitoring time period shall be tolled and shall not apply to the reduction of this required three (3) year practice monitoring time period. Respondent shall pay all costs associated with this practice monitoring requirement. RESPONDENT AGREES THAT ANY FAILURE TO COMPLY WITH THE PRACTICE MONITORING REQUIREMENTS, OR ANY OTHER TERM IN THIS ORDER, SHALL CONSTITUTE IMMEDIATE GROUNDS FOR REVOCATION OF RESPONDENT'S LICENSE.

5 Respondent shall comply will all aspects of HIPAA including those governing conducting the business of counseling via electronic means, but the Respondent is prohibited from

conducting the business of counseling via text message or email, except through the use of a telehealth website or platform where such text or email communications are saved, stored, and HIPAA compliant.

6 Respondent can only see clients online between the hours of 7:00 a.m. and 6:00 p.m. central time. Respondent shall not provide any professional counseling services in person with Texas clients.

7 Respondent shall petition or appear before the Council before conducting any in person counseling sessions in Texas.

8. Respondent shall forfeit his supervisor status from his license. After terms of this order have been completed, the Respondent is eligible to reapply for supervisor status.

WARNING

RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.

THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:

Joaquim Braga

DATE SIGNED: 9-24-2021

Laurel Clement
Texas Bar No. 01344450
Attorney for Joaquim Braga

DATE SIGNED: _____

FOR THE STAFF OF THE COUNCIL:

Rae-Ann Allong
Texas Bar No. 01100400
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 9/24/2021

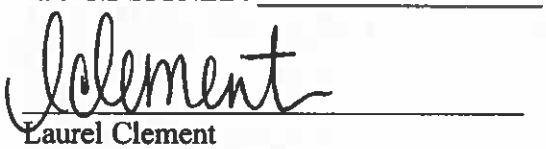
APPROVED, RATIFIED, AND ENTERED THIS ____ DAY OF _____, 20____.

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

FOR THE RESPONDENT:

Joaquim Braga

DATE SIGNED: _____



Laurel Clement
Texas Bar No. 01344450
Attorney for Joaquim Braga

DATE SIGNED: 9.24.21

FOR THE STAFF OF THE COUNCIL:

Rae-Ann Allong
Texas Bar No. 01100400
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: _____

APPROVED, RATIFIED, AND ENTERED THIS 27th DAY OF September, 2021.

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NOS. 1061-09-0007, 1061-09-0051, 1061-10-0020, and 1061-10-0064

IN THE MATTER OF	§	**BEFORE THE TEXAS BEHAVIORAL**
	§	**HEALTH EXECUTIVE COUNCIL**
	§	
	§	**THE TEXAS STATE BOARD**
	§	**OF EXAMINERS OF**
JONATHON KENNETH PAUGH	§	**PROFESSIONAL COUNSELORS**

AGREED ORDER

Pursuant to its authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(d), the Texas State Board of Examiners of Professional Counselors ("Board") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of the Texas Behavioral Health Executive Council ("Council"), which have been approved and accepted by **Jonathon Kenneth Paugh** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a professional counselor (#11228) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.

2. From approximately January of 2006 to January of 2007, Respondent engaged in a prohibited non-therapeutic relationship and a sexual relationship with a client.

3. From approximately June of 2008 to August of 2008, Respondent failed to release records requested by client.

4. In approximately October of 2009, Respondent failed to take reasonable precautions to protect a client from emotional harm.

5. Over the past 12 years since these violations Respondent has implemented remedial measures, accepted responsibility for Respondent's actions, and satisfactorily demonstrated Respondent's rehabilitative potential to the Board.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.

2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 507.301, and 507.351 of the Texas Occupations Code.

3. Based on the above Findings of Fact, the Council finds that Respondent violated Council Rules 22 Texas Administrative Code §§681.41 and 681.42.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent's license is SUSPENDED for a period of ten (10) years retroactive from the effective date of this order to November 12, 2011. However, the ten (10) years of retroactive suspension shall be PROBATED, also retroactive from the effective date of this order to November 12, 2011.

WARNING

RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.

THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

TANIA GARCIA
My Notary ID # 133026250
Expires April 9, 2025

FOR THE RESPONDENT:

Jonathon Kenneth Paugh
Licensed Professional Counselor (#11228)

DATE SIGNED: 10-19-21

Louis Leichter
Texas Bar No. 24000243
Counsel for Respondent

DATE SIGNED: 10-19-21

FOR THE STAFF OF THE COUNCIL:

Brian Clark
Texas Bar No. 24099457
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 10-21-21

APPROVED, RATIFIED, AND ENTERED THIS 12TH DAY OF NOVEMBER, 2021.

Steven Hallbauer
Chair, Texas State Board of Examiners of
Professional Counselors

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COMPLAINT NO.1061-19-0295

IN THE MATTER OF	§	BEFORE THE TEXAS BEHAVIORAL
	§	HEALTH EXECUTIVE COUNCIL
	§	
	§	THE TEXAS STATE BOARD
	§	OF EXAMINERS OF
ORLANDO GREENE	§	PROFESSIONAL COUNSELORS

AGREED ORDER

Pursuant to the authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of the Council, which have been approved and accepted by **Orlando Greene** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a professional counselor - associate (#81887) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent on or about December 2018, borrowed one thousand, seven hundred and four dollars ($1,704.00) from a client to pay for a trip to Costa Rica.
3. Respondent on or about April 2019, borrowed six hundred dollars ($600.00) from a client.
4. Respondent on or about June 2019, borrowed two hundred and fifty dollars ($250.00) from a client.
5. Respondent on or about December 2018 thru June 2019, accepted direct payment from a client for services rendered.
6. Respondent on about December 2018 thru June 2019, failed to set and maintain professional boundaries with client and the client's family.
7. Respondent on or about June 2019, engaged in a sexual contact with a client, who received treatment beginning in September 2018. Respondent denies this allegation, number seven (7).
8. Respondent on or about June 2019, engaged in a non-therapeutic relationship with a client, which is prohibited.
9. Respondent on or about July 2019 thru May 2021, failed to submit a written report of a change of home or business address within thirty (30) days of the change.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.

2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 507.301, and 507.351 of the Texas Occupations Code.

3. Based on the above Findings of Fact, the Council finds that Respondent violated Council Rules 22 TAC §§681.41 (l), (m) (1)(3) (6), 681. 42(b), 882.32 (a) formerly 681.46 (c) and 681.91 (l) and (n).

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent, by signing this Agreed Order, hereby voluntarily and permanently **RESIGNS** his or her license (#81887) in lieu of further adjudication by the Council on these matters.

2. Respondent is assessed and shall pay, within one hundred and eighty (180) days of the date this order is ratified, an administrative penalty in the total amount of $2500.00; of which $2,000.00 represents administrative costs and $500.00 represents administrative penalty.

3. Respondent shall return his or her license to the Council no later than fourteen (14) days after the date this order is ratified.

4. The Council will not consider an application for licensure from Respondent and Respondent agrees not to apply for any new license from the Council for ten (10) years from the effective date of this Order.

5. If Respondent seeks to apply for a license with the Council in the future, and the Council is willing to reinstate the license, Respondent will be subject to conditions of eligibility to be imposed by the Council at that time.

WARNING

RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.

THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:

Orlando Greene
4051 Beltway Drive #104
Addison, Texas 75001

DATE SIGNED: 9/2/21

Darrin Dest
Attorney for Orlando Greene
Texas Bar No. 24065146

FOR THE STAFF OF THE COUNCIL:

Rae-Ann Allong
Texas Bar No. 01100400
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 9/2/21

DATE SIGNED: _____

APPROVED, RATIFIED, AND ENTERED THIS 2nd DAY OF September, 2021.

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

MEMBERS OF THE COUNCIL

Gloria Z. Canseco, M.A., Chair

John K. Bielamowicz
Brian C. Brumley, M.S.S.W.
Susan Fletcher, Ph.D.
George Francis, IV, M.B.A.
Steven Hallbauer
Ben Morris, M.Ed.
Jeanene L. Smith, M.A.
Christopher S. Taylor, Ph.D.

Darrel D. Spinks
Executive Director

February 11, 2022

Via U.S. Regular Mail

Cody Ely, MA
800 Williamsburg Dr.
Ennis, TX 75119

Re: Denial of Petition for Rulemaking

Dear Mr. Ely:

On January 11, 2022, the Texas Behavioral Health Executive Council (Council) received your petition for rulemaking regarding 22 Texas Administrative Code (TAC) § 681.72, pertaining to required application materials. On February 11, 2022, the Texas State Board of Examiners of Professional Counselors reviewed your petition, and, by a majority vote, denied your petition for rulemaking for the reasons discussed below.

Your petition requested this rule be amended to allow for an applicant's examination scores older than five years to qualify toward licensure. You requested TAC § 681.72(a)(3) and (c)(4) be amended as follows:

(a)(3) official examination results from the National Board of Certified Counselors verifying a passing score on the National Counselor Exam (NCE) or National Clinical Mental Health Counselor Exam (NCMHCE) ~~issued no more than five (5) years before the date the application was received~~ <u>An applicant who has taken and passed the NCE or NCMHCE either in the past or in another jurisdiction will not be required to retake the exam</u>;

(c)(4) ~~The five-year expiration of the NCE or NCMHCE score does not apply to an applicant who has held a license issued by a United States jurisdiction in good standing for at least two (2) years before the date the application for LPC was received.~~

An LPC-Associate is not a license that can be renewed, it is intended to be a transitional license to authorize individuals with the legal authority to provide services under supervision so the individual may obtain the necessary 3,000 hours of experience to achieve an LPC. An LPC-Associate expires after 5 years from the date of issuance. If the required hours are obtained during the five years an LPC-Associate is valid then the individual can apply for an LPC and would not be required to retake the exam. If an LPC-Associate has not completed the 3,000 hours of supervised practice within the 5 year period then the induvial must apply for a new LPC-Associate to complete the remaining required hours. One of the Board's concern's is to

ensure those providing professional counseling services are competent and have current knowledge to provide such services. The Board believes that such knowledge may become stale after 5 years if an individual does not practice at least the required number of hours to obtain an LPC. Therefore, after this 5 year period of time has passed, the Board requires applicants to reapply for an LPC-Associate and obtain a new passing score on the exam to ensure applicants possess up to date knowledge and are still competent to provide services. Additionally, the Board has the same knowledge and competency concerns for those applicants that are licensed out of state with less than two years of experience and that took the exam more than 5 years ago. The Board believes your requested amendments to TAC § 681.72 will frustrate this purpose and therefore the Board voted to deny your request.

For the reasons discussed above, the Council declines to amend the rules as requested and therefore must deny your petition for rulemaking.

Sincerely,

Patrick Hyde
General Counsel

Texas Behavioral Health Executive Council
333 Guadalupe St., Ste. 3-900
Austin, TX 78701

Cody Ely, MA
800 Williamsburg Dr.
Ennis, TX 75119

January 11, 2022

Dear Members of the Board:

I, Cody Ely, as a resident of the State of Texas affirm that I am an interested person under §2001.021(d)(1) of the Government Code. In accordance with the information requested in Title 22, Part 41, Chapter 881, Subsection B, Rule §881.21 of the Texas Administrative Code, I am writing to petition a rule change concerning the expiration of an applicant's passing NCE or NCMHCE score as stated in Rule §681.72 of the Texas State Board of Examiners of Professional Counselors. Having this expiration rule produces an unnecessary burden upon applicants that have already passed the NCE or NCMHCE for the following outlined reasons:

Parity Within the Profession and Invalidation of Past Achievement

The majority of fully-licensed Texas LPC counselors are currently practicing on a passing NCE or NCMHCE score older than five years, with no apparent detriment to the public. These individuals are not required to retake the examination in order to practice. For them, a passing score older than five years is continually acceptable. However, for a new LPC Associate applicant, an expired LPC Associate licensee reapplying to continue his/her internship, or an equivalent LPC applicant currently licensed in another jurisdiction for less than two years, he/she may be forced to retake a comprehensive examination that was already passed once before. This is unnecessarily burdensome. The need to retake an examination is for people who fail an examination. The expiration rule, as it presently stands, is forcing passing applicants to retake the examination as if they had failed it. An applicant that has passed the NCE or NCMHCE, regardless of how long ago, invested countless hours of studying and preparation. To require them to test again is invalidating of past achievement. The examination is based on material learned during the graduate degree program. If there is not an expiration placed on the degree once it is earned, then why must there be an expiration on the examination that is based on the material learned in the degree program?

If a fully-licensed Texas LPC is not required to retake his/her already-passed NCE or NCMHCE in order to practice, then neither should prospective LPC Associates or licensees from other

jurisdictions. Applicants should only have to pass the examination once, like the rest of their colleagues in the counseling profession. Unfortunately, the reality is that some applicants are being placed at a disadvantage by this inequitable application requirement. On any given day, an applicant with a qualifying degree and passing NCE or NCMHCE score meets the requirements and submits his/her application, while at the same moment his/her peer elsewhere in the state with a qualifying degree and passing NCE or NCMHCE score is being forced to retake to the examination because the score was achieved six or more years ago instead of five.

Parity Among the Related Professions

Licensed Psychological Associate applicants and Licensed Psychologist applicants in the State of Texas have no expiration on their respective licensure examination scores as evidenced by the following language in §463.30(c) of the Texas State Board of Examiners of Psychologists:

> "All applicants for licensure as a psychological associate or psychologist are required to pass the EPPP prior to the Council granting a license. An applicant who has taken the EPPP either in the past or in another jurisdiction will not be required to retake the exam provided the applicant's score satisfies the Council's current minimum acceptable score for licensure."

The EPPP is a 225 multiple-choice question examination. By comparison, the NCE is a 200 multiple-choice question examination. At only twenty-five more questions, the EPPP is no more or less exhaustive than the NCE. If the psychology board does not place an expiration on its comparable licensure examination, then why must the counseling board? Are we to assume that counseling applicants are more forgetful than psychology applicants, and may not remember enough material after more than five years in order to be sound practitioners? Surely not. Counselors are no more or less intelligent or competent than psychological associates and psychologists. The counseling profession itself is no more or less rigorous, demanding, and clinically intensive than the psychology profession. Counseling applicants should only have to pass their comprehensive examination once, just as their fellow behavioral health colleagues in the psychology profession.

Proposed Rule Change

Amend §681.72(a)(3):

(3) official examination results from the National Board of Certified Counselors verifying a passing score on the National Counselor Exam (NCE) or National Clinical Mental Health Counselor Exam (NCMHCE) ~~issued no more than five (5) years before the date the application was received~~ <u>An applicant who has taken and passed the NCE or NCMHCE either in the past or in another jurisdiction will not be required to retake the exam</u>;

Delete §681.72(c)(4):

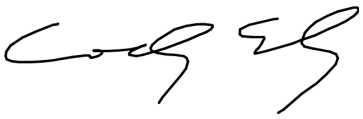
~~(4) The five-year expiration of the NCE or NCMHCE score does not apply to an applicant who has held a license issued by a United States jurisdiction in good standing for at least two (2) years before the date the application for LPC was received.~~

Effects of the Proposed Rule Change

By placing an unnecessary burden upon applicants that have already demonstrated their educational and clinical competence by passing the NCE or NCMHCE once before, the present rule is increasing the possibility that applicants in this situation may not seek licensure. Therefore, the present rule is actually reducing public benefit by inadvertently reducing the amount of counselors available to serve the public. In addition, the NBCC states on its website that it takes eight weeks to process the scores. This further delays entry or reentry into the Texas workforce as a professional counselor. An applicant that has already taken and passed the examination is not only having to unnecessarily retake it, but then wait an additional eight weeks on top of the time it already takes to process the license application. This further increases the amount of time a member of the public goes without a behavioral healthcare provider, or that the applicant remains unable to earn a living.

Fortunately, these shortcomings can be corrected by adopting the proposed rule change. Removing the current expiration restriction will shorten the time it takes to become licensed and in turn give the public sooner access to providers. It will also increase the amount of counselors available to the Texas workforce. Both of these effects will have a positive impact on local employment and rural communities. In addition, persons required to comply with the proposed rule change will be at no economic disadvantage. They will be able to save or spend the money required to retake the examination elsewhere, which will positively impact local economics, and small or micro-businesses. By adopting the proposed rule change, Texas will become more inviting to prospective counselors from other jurisdictions, and to its own Texans seeking licensure.

On behalf of all future counseling applicants, I thank you for your review and consideration of this change,



Cody Ely, MA

1st QUARTER PERFORMANCE MEASURES

FISCAL YEAR 2022

Submitted to the
Governor's Office of Budget and Planning
and the Legislative Budget Board

by

Texas Behavioral Health Executive Council

December 30, 2021

Executive Director

12/30/21
Date

Agency code: 510 Agency name: **Behavioral Health Executive Council**

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Output Measures					
1-1-1 LICENSING					
1 # NEW LICENSEES ISSUED					
Quarter 1	7,800.00	2,544.00	2,544.00	32.62 % *	1,560.00 - 2,340.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that it would issue 7,800 new licenses per fiscal year, or 1,950 per quarter. During the first quarter of FY 22, the agency exceeded its target by 8%, issuing 2,544 new licenses.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The number of new licenses issued during the first quarter of FY 21 was 1,789. This number has now increased to 2,544, all in the scope of one year, due to the dedication and efficiency of the licensing staff and the significant workforce shortage of behavioral health providers. The Council believes that its initial projection was too low, and will make adjustments during the next LAR.

2 # LICENSE RENEWALS

* Varies by 5% or more from target.

Agency code: **510** Agency name: **Behavioral Health Executive Council**

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Output Measures					
2 # LICENSE RENEWALS					
Quarter 1	42,000.00	7,564.00	7,564.00	18.01 % *	8,400.00 - 12,600.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that it would renew 42,000 licenses per fiscal year, or 10,500 per quarter. During the first quarter of FY 22, the agency fell short of its target by 7%, renewing 7,564 licenses.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

All license renewals are required to be submitted online and are approved automatically by the online licensing system, unless they are under audit or the agency hasn't received their fingerprint criminal history results. Licensing staff have little control over how many licensees will choose to renew their license, and therefore how many renewals get processed. The Council believes that its initial projection was too high, and will make adjustments during the next LAR.

2-1-1 ENFORCEMENT

1 COMPLAINTS RESOLVED

* Varies by 5% or more from target.

Agency code: 510 Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Output Measures					
1 COMPLAINTS RESOLVED					
Quarter 1	1,000.00	195.00	195.00	19.50 % *	200.00 - 300.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that it would resolve 1,000 complaints per fiscal year, or 250 per quarter. During the first quarter of FY 22, the agency fell short of this measure by 5%, resolving 195 complaints.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The number of complaints resolved during the first quarter of FY 21 was 104. This number has now increased to 195, due to the dedication and efficiency of the enforcement and legal staff. The Council believes that its initial projection was correct, and that its target will be met or exceeded by the end of the fiscal year, assuming the Council is able to maintain full or close-to-full staffing levels. However, the Council will monitor this target to determine if adjustments need to be made during the next LAR.

2 COMPLAINTS PENDING

* Varies by 5% or more from target.

Agency code: **510** Agency name: **Behavioral Health Executive Council**

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Output Measures					
2 COMPLAINTS PENDING					
Quarter 1	1,000.00	579.00	579.00	57.90 % *	950.00 - 1,050.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs. This was based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that there would be 1,000 complaints pending during FY 2022. During the first quarter of FY 22, the agency exceeded this measure by only having 579 complaints pending.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The number of complaints pending at the beginning of FY 21 was 1,379. This number has now decreased to 579, all in the scope of one year, due to the dedication and efficiency of the enforcement and legal staff. The Council believes that its initial projection was too high, and will make adjustments during the next LAR.

Efficiency Measures

1-1-1 LICENSING

1 AVG TIME TO PROCESS APP (DAYS)

* Varies by 5% or more from target.

Agency code: **510** Agency name: **Behavioral Health Executive Council**

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Efficiency Measures					
1 AVG TIME TO PROCESS APP (DAYS)					
Quarter 1	60.00	54.39	54.39	90.65 % *	57.00 - 63.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected the average issuance time for licenses would be 60 days. During the first quarter of FY 22, the agency exceeded this measure by having an average license issuance time of only 55 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for license issuance during the first quarter of FY 21 was 78 days. This number has now decreased to 55 days, all in the scope of one year, due to the dedication and efficiency of the licensing staff. The Council believes that its initial projection was correct, and that its target will continue to be met or exceeded assuming the Council is able to maintain full or close-to-full staffing levels. However, the Council will monitor this target to determine if adjustments need to be made during the next LAR.

2-1-1 ENFORCEMENT					
1 AVG TIME/COMPLAINT RESOLUTION					
Quarter 1	750.00	783.16	783.16	104.42 %	712.50 - 787.50

* Varies by 5% or more from target.

TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL
1st QUARTER MEASURES
FY 2022

Number of Licenses Renewed (from thpc24)

LSSP	421
LIC	662
LPA	82
LPC	3069
MFTA	53
MFT	373
LBSW	428
LMSW	1236
LCSW	1217
AP	23
Total	7564

Number of Licenses Issued (from thpc24)

LPA	17
PLP	125
LIC	97
LSSP	51
LPCA	549
LPC	122
LPC Upgrade	374
MFTA	62
MFT	62
MFT Upgrade	41
LBSW	66
LMSW	599
LCSW	188
AMEC Upgrade	0
LMSW Upgrade	23
LCSW Upgrade	157
TEMP SW	11
Total	2544

TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL
1st QUARTER MEASURES
FY 2022

Number of Complaints Resolved (from BO report)

LP/LPA	28
LSSP	3
LPC	82
MFT	18
SW	64
Total	195

Percent of Complaint Resolved Within Six Months (from BO report)

1st Qtr	52/195 =	27%
2nd Qtr		
3rd Qtr		
4th Qtr		
YTD	52/195 =	27%

Percent of Complaints Resolved resulting in Disciplinary Action (from BO report)

1st Qtr	15/195 =	8%
2nd Qtr		
3rd Qtr		
4th Qtr		
YTD	115/195 =	8%

Average Time for Complaint Resolution (from BO report)

1st Qtr	152,716 days to resolve 195 complaints = 783.16 days
2nd Qtr	
3rd Qtr	
4th Qtr	
YTD	152,716 days to resolve 195 complaints = 783.16 days

Average Time for Application Processing (from BO report) **(Bold averages only)**

1st Qtr	130,155 days to process 2,393 applications =	54.39 days
2nd Qtr		
3rd Qtr		
4th Qtr		
YTD	130,155 days to process 2,393 applications =	54.39 days

Calculations reviewed by: _____

Date: _____

LPA Initial	**1,486 days to process 34 applications =**	**43.71**
LPA Final	4,404 days to process 17 applications =	259.06
Old LIC Final	5,293 days to process 9 applications =	588.12
LIC Initial	**4,593 days to process 116 applications =**	**39.60**
LIC Final	13,140 days to process 97 applications =	135.47
LSSP	**1,977 days to process 47 applications =**	**42.07**
LSSP Final	1,968 days to process 4 applications =	492.00
LPC Initial	**9,137 days to process 122 applications =**	**74.90**
LPCA Initial	**21,924 days to process 549 applications =**	**39.94**
LPC Upgrade	**2,024 days to process 374 applications =**	**5.42**
MFTA Exam	**10,184 days to process 65 applications =**	**156.68**
MFT License	6,541 days to process 62 applications =	105.50
MFTA License	2,856 days to process 62 applications =	46.07
MFTA Upgrade	**923 days to process 41 applications =**	**22.52**
SW Exam	**829 days to process 2 applications =**	**414.50**
SW License	**39,020 days to process 557 applications =**	**70.06**
SW OOS License	**20,618 days to process 296 applications =**	**69.66**
SW Upgrade	**17,139 days to process 179 applications =**	**95.75**
Temp SW License	**301 days to process 11 applications =**	**27.37**

- **Those in BOLD are the applications we have more control over (i.e. we are not waiting for them to take and pass a national exam).**

TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL
ANNUAL MEASURES
FY 2022

Number of Jurisdictional Complaints Received (from BO report)		148
Number of Complaints Pending (from BO report)		579
Closed	12	
Investigation Completed	157	
Under Investigation	410	

Percent of Licensees With No Recent Violations

Total	*373 disciplinary actions*
Less duplicates	*-75 duplicates*
Total unduplicated	*298 disciplinary actions*

Number of individuals (unduplicated) licensed as of 8/31/2021: *71,662*

71,662 - 298 = 71,364

71,364/71,662 = 99.59%

Recidivism Rate

Individuals with disciplinary actions FY 19 – FY 21	*298*
Individuals with 2 or more disciplinary actions	*49*

49/298 = 16.45%

Calculation Reviewed by: _____

Date: _____

Texas Beahvioral Health Executive Council
Operating Budget
As of December 31, 2021

Program		Licensing	Enforcement	Indirect	TexasOnline	Totals
Appropiations - GR		2,765,008	1,982,997	33,400	136,000	4,917,405
Excess Collected Revenue		34,000	9,850			43,850
Appropriation Transfers Out (HPC)		-162,354	-162,354			-324,708
Appropriation Transfers In (BRP)		1,027				1,027
Appropriation Transfers In (HB2 CAPPS)		6,000	6,000			12,000
eStrategy Exam Revenue		255,959			8,799	264,758
eStrategy Exam Appropriation Receipts		38,935				38,935
Lapsed Funds						0
Total Receipts		**2,938,575**	**1,836,493**	**33,400**	**144,799**	**4,953,267**
Expenditures						
7002	Sal-Full Time Class	456,917	473,702			-930,619
7003	Sal-Part Time Class					0
7012	FFCRA Emergency Pay	1,507				-1,507
7017	One Time Merit Increase					0
7021	Overtime Pay					0
7022	Longevity	8,350	5,230			-13,580
7023	Lump Sum Termination	6,394	4,530			-10,924
7033	Employee Retirement Cont.	1,457	3,737			-5,193
7040	Additional Payroll Ret. Cont.	2,292	2,368			-4,660
7042	Payroll Health Insurance 1%	4,222	4,107			-8,329
7050	Benefit Repl Pay	342				-342
7101	Travel-In St-Pub Trans	260	260			-520
7102	Travel-In State Mileage	412	412			-825
7105	Travel-InState Incident	226	201			-427
7106	Travel-In State Meals	27	27			-53
7107	Travel-In State Non-Overnight					0
7108	Travel-In State Meals					0
7110	Bd Member Meals	684	684			-1,369
7135	Travel-Hotel Occ.Tax					0
7136	Travel-Hotel Occ.Tax-Galveston	3	3			-6
7201	Membership Fees			75		-75
7203	Reg Fees Empl Trng			1,649		-1,649
7204	Insurance Premiums					0
7210	Fees and Other Charges	68		70		-138
7219	eStrategy Exam Credit Card fees				8,722	-8,722
7219	Texas.gov Subscription fees				48,512	-48,512
7253	Prof Serv-Other					0
7257	Legal Services - SOAH		5,036			-5,036
7267	Pers. Prop. Repair-Comp					0
7273	Printing Forms/Bus Cds	1,495				-1,495
7275	IT Services					0
7276	Elec Comm - Internet					0
7285	DataCenter Costs	4,771	4,771			-9,543
7286	Freight Delivery					0
7291	Postal Services					0
7295	Investigation Expenses	50				-50
7299	eStrategy Exams	253,724				-253,724
7299	Purc. Contracted Svc			1,720		-1,720
7300	Consumables	334	334	86		-754
7303	Subscriptions			125		-125
7334	Furn & Equip-expensed	119	119			-239
7335	Computer Parts-expensed					0
7377	Pers. Prop. Comp Equip - expensed	1,883	1,883			-3,765
7378	Pers. Prop. Comp Equip - controlled					0
7380	Intangible - Computer Software					0
7406	Rental - Equipment	1,276	1,276			-2,552
7442	Rental of Motor Vehicles					0
7503	Telecomm-Long Distance					0
7470	Rental-Storage/Space			371		-371
7510	Telcom Parts/ Supplies					0
7526	Waste Disposal/Shredding					0
7806	Interest on Late Pmts					0
7947	SORM Pmt			746		-746
7961	Telecomm-Cap Compl	2,314	2,314			-4,628
7962	Cap. Cplx. Transfers	2,001	2,001			-4,002
7984	Unemployment					0
Total Expense		751,128	512,995	4,842	57,234	1,326,200
Cash Available		**2,187,446**	**1,323,498**	**28,558**	**87,565**	**3,627,067**

Percent of Budget Spent	*26%*	*28%*	*14%*	*40%*	*27%*
Percent of Budget Remaining	*74%*	*72%*	*86%*	*60%*	*73%*

Percent of FY 2022 Remaining *67%*

Texas Behavioral Health Executive Council
Monthly Operating Budget
As of December 31, 2021

	Licensing	Enforcement	Indirect	Texas.gov	TOTALS
Revenues					
Original Appropriations	2,765,008.00	1,982,997.00	33,400.00	136,000.00	4,917,405.00
Excess Collected Revenue Posted	34,000.00	9,850.00		-	43,850.00
Appropriation Transfers In (BRP)	1,026.86	-			1,026.86
Appropriation Transfers Out (HPC)	(162,354.00)	(162,354.00)			(324,708.00)
Appropriation Transfers In (HB2 CAPPS)	6,000.00	6,000.00			12,000.00
eStrategy Exam Revenue	255,958.69			8,799.31	264,758.00
eStrategy Exam Appropriated Receipts	38,935.00				38,935.00
Lapsed Funds	-	-	-		-
Total Available Revenues	**2,938,574.55**	**1,836,493.00**	**33,400.00**	**144,799.31**	**4,953,266.86**
Expenditures					
Salaries and Wages	458,423.78	473,701.68			932,125.46
Other Personnel Costs	16,200.93	13,496.87			29,697.80
Professional Fees and Services	4,771.36	9,807.26			14,578.62
Consumable Supplies	333.83	333.84	86.00		753.67
Utilities	-	-			-
Travel	1,612.73	1,587.73			3,200.46
Rent - Space/Building	-	-	370.72		370.72
Rent - Machine and Other	1,276.23	1,276.20		-	2,552.43
Other Operating Expenses	14,443.60	12,791.74	4,384.96	48,512.00	80,132.30
eStrategy Exam Expenses	253,723.53	-		8,722.47	262,446.00
Not Related to LBB tracking (BRP)	342.22	-			342.22
Total Expenditures	**751,128.21**	**512,995.32**	**4,841.68**	**57,234.47**	**1,326,199.68**
Excess/ Shortage	***2,187,446.34***	***1,323,497.68***	***28,558.32***	***87,564.84***	***3,627,067.18***
Percent of Budget Spent	***26%***	***28%***	***14%***	***40%***	***27%***
Percent of Budget Remaining	***74%***	***72%***	***86%***	***60%***	***73%***

Percent of Year Remaining ***67%***

Total Apps Per Day*	43

Type	Apps received in FY21
LPC Associate	2053
LPC (out of state)	450
Upgrade to LPC	1707
Total	4210

Avg. LPC Apps Per Day: 17

Type	Apps received in FY21
MFT Associate	211
MFT (out of state)	209
Upgrade to MFT	171
Total	591

Avg. MFT Apps Per Day: 2

Type	Apps received in FY21
LBSW	256
LBSW (out of state)	21
LMSW	2041
LMSW upgrade	77
LMSW (out of state)	293
LCSW Upgrade	702
LCSW (out of state)	595
AMEC	20
Total	4005

Avg. SW Apps Per Day: 16

Type	Apps received in FY21
LPA	195
Upgrade from LPA to PLP	1
Upgrade from LPA to LP	15
PLP	33
Initial LP	404
Upgrade from PLP to LP	526
LSSP	439
Temporary License	286
Total	1899

Avg. Psych Apps Per Day: 8

*Based on a 250 day Work Year

	Dec Average	# Apps	Nov Average	# Apps	Oct Average	# Apps	Sept Average	# Apps	August Average	# Apps	July Average	# Apps	June Average	# Apps	May Average	# Apps	April Average	# Apps	March Average	# Apps	February Average	# Apps	January Average	# Apps
LPC Initial	82.08	36	83.62	43	71.53	34	79.61	38	86.57	60	112.38	37	77.09	51	90.74	42	80.24	62	130.25	53	53.49	27	94.06	18
LPCA Initial	41.84	146	60.45	140	40.47	203	32.07	206	42.58	228	48.5	201	59.45	191	65.07	180	61.31	172	75.51	228	87.62	148	83.69	104
Upgrade	5.76	125	4.89	122	7.48	158	4.32	144	4.57	155	6.32	150	5.09	196	11.9	147	7.5	188	17.42	237	24.43	77	27.38	124
Supervisor	3.4	25	3.36	34	12.19	43	6.36	33	4.92	61	6.06	333	4.5	35	16.12	25	18.25	33	10.74	45	53.13	39	44.88	38
MFT Exam Eligible	94.28	39	161.74	23	152.34	24	150	18	152.21	19	158.29	21	132.27	25	152.52	19	163.53	17	160.44	16	121.00	5	217.16	34
*MFT Initial	90.24	25	114.5	18	107.63	24	117.2	20	110.9	20	95.34	27	128.20	10	145.7	13	81.93	13	99.42	20	158.35	8	98.79	10
*MFTA Initial	18.79	23	67.15	14	35.17	24	48.75	24	59.04	28	57.67	15	57.46	24	57.35	23	33.63	16	113.91	21	134.29	7	155.34	18
Upgrade	18.17	17	23.8	13	17.03	13	25.27	19	23.93	13	21.67	15	32.64	11	35.7	13	53.92	23	63.58	14	62.55	14	79.75	12
Supervisor	85.5	8	44.58	7	68.2	5	43.2	5	17.6	5	13	4	35.67	3	23.2	10	67.75	4	37.63	8	73.00	1	37.50	2
SW Exam Eligible	0	0	0	0	0	0	414.5	2	388.6	5	328	1	214.5	4	143	4	265.62	18	284.10	123	230.46	57	175.17	71
SW Initial	73.1	136	73.98	192	79.31	194	56.69	181	108.67	208	98.9	119	75.17	240	145.94	203	146.6	221	152.63	183	102.83	113	165.23	114
SW DCS	77.34	78	63.81	94	70.4	97	74.21	103	76.51	95	71.35	55	78.47	95	80.67	61	111.43	73	150.42	145	130.28	65	159.49	81
Upgrade	41.46	18	21.98	89	91.31	94	63.15	95	57.34	103	73.55	69	120.38	87	119.95	68	95.19	101	167.70	147	165.27	87	199.87	102
Supervisor	5.77	26	6.23	35	11.35	54	9.8	30	14.97	56	7.17	48	17.48	38	10.74	38	19.7	39	42.72	46	40.54	30	34.76	57
LPA Initial	35.31	3	40.67	3	41.45	9	45.03	22	38.2	10	41	13												
*LPA Final	75	6	25.12	9	70	2	333.84	6	107.58	7	241.84	6												
*LPA Retake	0	0	536.34	3	623	3	535	3	470.25	4	441.25	4												
LPA with Provisional Status Initial	46.11	37	29.53	19	48.3	47	39.94	50	42.36	32	34.2	31												
*LPA License Issuance (Final)	145.38	21	134.36	31	124.49	33	147.43	33	218.24	28	84.42	31												
LSSP	41	3	42.56	9	24.58	7	45.87	31	48.32	38	45.45	34												
*LSSP Final (Retake)	0	0	518	3	507	2	436	1	375	2	347.84	6												

* Do not have exams over, as we have to wait for them to pass the national exam

STATUS REPORT **1st Quarter**	**1Q FY22** **Sep 1, 2021** **to** **Nov 30, 2021**	4Q FY21 Jun 1, 2021 to Aug 31, 2021	3Q FY21 Mar 1, 2021 to May 31, 2021	2Q FY21 Dec 1, 2020 to Feb 28, 2021
Number of Pending Complaints	**579**	634	811	1341
Pending Complaints per Member Board	**TSBEPC-266** **TSBSWE-191** **TSBEMFT-54** **TSBEP-68**	TSBEPC-283 TSBSWE- 229 TSBEMFT-59 TSBEP-63	TSBEPC-399 TSBSWE- 258 TSBEMFT-82 TSBEP-72	TSBEPC-778 TSBSWE- 346 TSBEMFT-102 TSBEP-115
Number of New Complaints Received	**148**	128	86	97
Pending Priority 1 Cases (Imminent Physical Harm)	**6** **TSBEPC-2** **TSBSWE-3** **TSBEMFT-1** **TSBEP-0**	18	19	55
Pending Priority 2 Cases (Sexual Misconduct)	**52** **TSBEPC-24** **TSBSWE-24** **TSBEMFT-2** **TSBEP-2**	57	75	128
Pending Priority 3 Cases (Applicants)	**11** **TSBEPC-1** **TSBSWE-6** **TSBEMFT-2** **TSBEP-2**	11	15	7
Cases Resolved this Quarter	**197**	308	636	125
Agreed Orders Signed	**15**	53	57	28
Cases Dismissed by Staff	**182**	255	579	97
Cases Dismissed by member Boards	**0**	0	0	0
Cases Reviewed at an ISC this Quarter	**19**	24	40	22
Pending Cases by Fiscal Year				
FY2015 0 going to SOAH	**2**	**5**	8	20
FY2016 2 going to SOAH	**5**	**11**	14	34
FY2017 1 going to SOAH	**11**	**21**	33	80
FY2018 1 going to SOAH	**8**	**16**	41	220
FY2019 2 going to SOAH	**56**	**81**	197	321
FY2020 1 going to SOAH	**199**	**263**	317	450
FY2021 4 going to SOAH	**163**	**227**	190	195
FY2022 0 going to SOAH	**135**			
Total	**579**	**634**	811	1341

1st Quarter Dismissals for TSBEPC Board

Cases Dismissed by Staff

1)	**1061-17-0095** – Standard of Care	Conditional Letter of Agreement
2)	**1061-17-0177** – Standard of Care	Insufficient Evidence
3)	**1061-17-0282** – Sexual Misconduct	Lack of Jurisdiction
4)	**1061-17-0296** – General Administrative	Lack of Jurisdiction
5)	**1061-18-0364** – Dual Relationship	Insufficient Evidence
6)	**1061-19-0032** – General Administrative	Insufficient Evidence
7)	**1061-19-0047** – Standard of Care	Insufficient Evidence
8)	**1061-19-0091** – Sexual Misconduct	Insufficient Evidence
9)	**1061-19-0141** – Standard of Care	Insufficient Evidence
10)	**1061-19-0234** – Dual Relationship	Warning Letter
11)	**1061-19-0293** – Confidentiality	Insufficient Evidence
12)	**1061-19-0302** – Standard of Care	Insufficient Evidence
13)	**1061-19-0303** – Confidentiality	Insufficient Evidence
14)	**1061-19-0321** – Record Keeping	Previously Addressed and Resolved
15)	**1061-19-0325** – General Forensic	Insufficient Evidence
16)	**1061-19-0326** – Standard of Care	Insufficient Evidence
17)	**1061-20-0007** – Unprofessional Conduct	Insufficient Evidence
18)	**1061-20-0010** – Standard of Care	Insufficient Evidence
19)	**1061-20-0013** – Standard of Care	Insufficient Evidence
20)	**1061-20-0015** – Standard of Care	Insufficient Evidence
21)	**1061-20-0020** – Record Keeping	Insufficient Evidence
22)	**1061-20-0022** – Dual Relationship	Complainant Withdrew
23)	**1061-20-0026** – Confidentiality	Insufficient Evidence
24)	**1061-20-0030** – Billing Dispute	Complainant Withdrew
25)	**1061-20-0039** – Fraud	Insufficient Evidence
26)	**1061-20-0040** – General Forensic	Insufficient Evidence
27)	**1061-20-0042** – Advertising	Insufficient Evidence
28)	**1061-20-0048** – Unlicensed Person	Corrective Action Taken
29)	**1061-20-0083** – Confidentiality	Insufficient Evidence
30)	**1061-20-0090** – Confidentiality	Insufficient Evidence
31)	**1061-20-0098** – Standard of Care	Insufficient Evidence
32)	**1061-20-0119** – Unprofessional Conduct	Insufficient Evidence
33)	**1061-20-0179** – Dual Relationship	Insufficient Evidence
34)	**1061-20-0196** – Dual Relationship	Conditional Letter of Agreement
35)	**1061-20-0199** – Unprofessional Conduct	Conditional Letter of Agreement
36)	**1061-20-0257** – Standard of Care	Insufficient Evidence
37)	**2021-00026** – Record Keeping	Insufficient Evidence

38) 2021-00038	– Standard of Care	Insufficient Evidence
39) 2021-00052	– Standard of Care	Insufficient Evidence
40) 2021-00075	– Standard of Care	Insufficient Evidence
41) 2021-00163	– Record Keeping	Insufficient Evidence
42) 2021-00182	– Unprofessional Conduct	Insufficient Evidence
43) 2021-00191	– General Forensic	Insufficient Evidence
44) 2021-00197	– Failure to Report	Warning Letter
45) 2021-00232	– Cease and Desist	Insufficient Evidence
46) 2021-00248	– Falsification of Official Documents	Insufficient Evidence
47) 2021-00249	– Standard of Care	Insufficient Evidence
48) 2021-00262	– Standard of Care	Warning Letter
49) 2021-00268	– Standard of Care	Insufficient Evidence
50) 2021-00278	– Billing Dispute	Insufficient Evidence
51) 2021-00281	– Standard of Care	Lack of Jurisdiction
52) 2021-00307	– Unprofessional Conduct	Insufficient Evidence
53) 2021-00326	– Standard of Care	Insufficient Evidence
54) 2021-00337	– Sexual Misconduct	Warning Letter
55) 2021-00350	– Sexual Misconduct	Lack of Jurisdiction
56) 2021-00351	– Standard of Care	Insufficient Evidence
57) 2021-00353	– Standard of Care	Insufficient Evidence
58) 2021-00359	– Unprofessional Conduct	Insufficient Evidence
59) 2021-00361	– Standard of Care	Insufficient Evidence
60) 2021-00364	– Confidentiality	Insufficient Evidence
61) 2021-00370	– Unprofessional Conduct	Insufficient Evidence
62) 2021-00371	– Confidentiality	Insufficient Evidence
63) 2021-00396	– Sexual Misconduct	Insufficient Evidence
64) 2021-00407	– Standard of Care	Insufficient Evidence
65) 2021-00432	– Sexual Misconduct	Lack of Jurisdiction
66) 2021-00400	– Sexual Misconduct	Previously Addressed and Resolved
67) 2022-00004	– Sexual Misconduct	Untimely
68) 2022-00073	– Unprofessional Conduct	Lack of Jurisdiction

Rule: 681.2. Definitions.

Action: Proposed Amendments

Comment: The amendment to §681.2 is intended to provide clarity to the definition of art therapy and correct a typographical error. The amended rule also provides a definition for the term independent practice, which is defined as the practice of providing professional counseling services to a client without the supervision of an LPC-S.

681.2. Definitions. The following words and terms, as used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

(1) Accredited school--An institution of higher education accredited by a regional accrediting agency recognized by the Council for Higher Education Accreditation, the Texas Higher Education Coordinating Board, or the United States Department of Education.

(2) Act--The Licensed Professional Counselor Act, Texas Occupations Code, Chapter 503.

(3) Art therapy—A form of counseling ~~human service profession~~ in which clients~~, facilitated by the art therapist,~~ use art media, the creative process, and the resulting artwork to explore their feelings, reconcile emotional conflicts, foster self-awareness, manage behavior, develop social skills, improve reality orientation, reduce anxiety and increase self-esteem.

(4) Board--The Texas State Board of Examiners of Professional Counselors.

(5) Client(s)--A person(s) who requests and receives counseling services from a licensee or who has engaged in a therapeutic relationship with a licensee.

(6) Consent for services--Process for receiving permission from the legally authorized person who agrees to services.

(7) Consent Form--A document executed by the legally authorized person to ensure the client is aware of fees and arrangements for payment; counseling purposes, goals, and techniques; restrictions placed on the license by the Council; limits on confidentiality; intent of the licensee to use another individual to provide counseling treatment intervention to the client; supervision of the licensee by another licensed health care professional including the name, address, contact information, and qualifications of the supervisor; and the name, address, and telephone number of the

Council for the purpose of reporting violations of the Act or this chapter.

(8) Council--The Texas Behavioral Health Executive Council.

(9) Counseling-related field--A mental health discipline using human development, psychotherapeutic, and mental health principles including, but not limited to, clinical or counseling psychology, psychiatry, social work, marriage and family therapy, and counseling and guidance. Non-counseling related fields include, but are not limited to, sociology, education, administration, dance therapy and theology.

(10) Executive Director--The executive director for the Texas Behavioral Health Executive Council. The executive director may delegate responsibilities to other staff members.

(11) Direct client contact--Time spent counseling clients.

(12) Health care professional--Any person licensed, certified, or registered by the state in a health related profession.

(13) Independent practice—The practice of providing professional counseling services to a client without the supervision of an LPC-S.

(14)~~(13)~~ Indirect hours--Time spent in management, administration or other aspects of counseling service ancillary to direct client contact.

(15)~~(14)~~ Jurisprudence exam--The Texas State Board of Examiners of Licensed Professional Counselors Jurisprudence exam. An online exam based upon the statutes and rules relating to the practice of counseling.

(16)~~(15)~~License--An LPC license, LPC license with art therapy specialty designation, or LPC Associate license issued by the Council.

(17)~~(16)~~ Licensee---A person who holds an LPC license, LPC license with art therapy specialty designation, or LPC Associate license.

(18)~~(17)~~ LPC--Licensed Professional Counselor. A person holding an LPC license as a professional counselor with authority to practice in independent practice.

(19)~~(18)~~ LPC Associate--Licensed Professional Counselor Associate. A person who holds an LPC Associate license to practice counseling only under a ~~board~~ Council-approved supervisor and not as an independent practitioner.

(20)~~(19)~~Recognized religious practitioner--A rabbi, clergyman, or person of similar status who is a member in good standing of and accountable to a denomination, church, sect or religious organization legally recognized under the Internal Revenue Code, 26 U.S.C. §501(c)(3) and other individuals participating with them in pastoral counseling if:

(A) the counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices of sponsorship of the legally recognized denomination, church, sect, religious organization or an integrated auxiliary of a church as defined in Federal Tax Regulations, 26 Code of Federal Regulations, L1.6033-2(g)(i)(2012);

(B) the individual providing the service remains accountable to the established authority of that denomination, church, sect, religious organization or integrated auxiliary; and

(C) the person does not use the title of or hold himself or herself out as a professional counselor.

(21)~~(20)~~Supervisor--An LPC approved by the Council as meeting the requirements set out in §681.93 of this title (relating to Supervisor Requirements) to supervise an LPC Associate.

Rule: 681.91. LPC Associate License

Action: Proposed Amendment

Comment: The amended rule still requires an LPC-Associate to only practice professional counseling under the supervision of an LPC-S, but the amended rule no longer prohibits LPC-Associates from owning their own business or accepting direct payment. The amended rule will allow for the supervision arrangements between an LPC-Associate and LPC-S to be one of a direct employee, independent contractor, or any other legal arrangement the parties agree to. The amended rule also clarifies how LPC-Associates must represent themselves, and which licensee is responsible for the retention and maintenance of client records.

681.91. LPC Associate License

(a) The Council may issue an LPC Associate license to an applicant who has:

(1) filed all application forms and paid all applicable fees;

(2) met all of the academic requirements for licensure;

(3) completed the required examinations with the requisite score as described in §681.72(a)(3) and (a)(4) of this title (relating to Required Application Materials);

(4) entered into a supervisory agreement with a Licensed Professional Counselor Supervisor (LPC-S); and

(5) not completed the supervised experience described in §681.92 of this title (relating to Experience Requirements (Internship)).

(b) An LPC Associate must comply with all provisions of the Act and Council rules.

(c) To practice counseling in Texas, a person must obtain an LPC Associate license before the person begins an internship or continues an internship. Hours obtained by an unlicensed person in any setting will not count toward the supervised experience requirements.

(d) An LPC Associate may practice counseling only as part of his or her internship and only under the supervision of a Licensed Professional Counselor Supervisor (LPC-S). The LPC Associate shall ~~may~~ not engage in independent practice. ~~own an independent professional counseling practice.~~

(e) An LPC Associate may have no more than two (2) Council-approved LPC supervisors at any given time.

(f) An LPC Associate must maintain their LPC Associate license during his or her supervised experience.

(g) An LPC Associate license will expire 60 months from the date of issuance.

(h) An LPC Associate who does not complete the required supervised experience hours during the 60-month time period must reapply for licensure.

(i) An LPC Associate must continue to be supervised after completion of the 3,000 hours of supervised experience and until the LPC Associate receives his or her LPC license. Supervision is complete upon the LPC Associate receiving the LPC license.

(j) The possession, access, retention, control, maintenance, and destruction of client records is the responsibility of the person or entity that employs or contracts with the LPC Associate, or in those cases where the LPC Associate is self-employed, the responsibility of the LPC-Associate. ~~An LPC Associate does not own client records; they are the property of the agency, organization, or LPC-S.~~

(k) An LPC Associate must not employ a supervisor but may compensate the supervisor for time spent in supervision if the supervision is not a part of the supervisor's responsibilities as a paid employee of an agency, institution, clinic, or other business entity.

~~(l) An LPC Associate must not accept direct payment for services from a client.~~

(l)~~(m)~~ All billing documents for services provided by an LPC Associate must reflect the LPC Associate holds an LPC Associate license and is under supervision.

(m)~~(n)~~ The LPC Associate must not represent himself or herself as an independent practitioner. The LPC Associate's name must be followed by a statement such as "supervised by (name of supervisor)" or a statement of similar effect, together with the name of the supervisor. This disclosure must appear on all marketing materials, billing documents, and practice related forms and documents where the LPC Associate's name appears, ~~advertisements, billings, and announcements,~~ including ~~but not limited to~~ websites and intake documents.

Rule: 681.93. Supervisor Requirements.

Action: Proposed Amendments

Comment: The Council is no longer mailing renewal permits; verification of licensure status is done online. The amended rule will reduce regulatory burden by allowing the supervisor to print and keep a copy of the online license verification in lieu of a wall certificate. Additionally, the amended rule requires a supervisor to keep a written record acknowledging the supervisee is self-employed, if applicable. And the amended rule clarifies the liability assumed for a supervisee by a supervisor; both are responsible for the professional counseling activities of an LPC-Associate but an LPC-S may be subject to disciplinary action for violations that relate only to the professional practice of counseling committed by the LPC-Associate which the LPC-S knew about or due to the oversight nature of the supervisory relationship should have known about.

681.93. Supervisor Requirements.

(a) A supervisor must keep a written record of each supervisory session in the file for the LPC Associate.

(1) The supervisory written record must contain:

(A) a signed and dated copy of the Council's supervisory agreement form for each of the LPC Associate's supervisors;

(B) a copy of the LPC Associate's ~~wall certificate~~ online license verification noting the dates of issuance and expiration;

(C) fees and record of payment;

(D) the date of each supervisory session;

(E) a record of an LPC Associate's leave of one month or more, documenting the supervisor's approval and signed by both the LPC Associate and the supervisor; [~~and~~]

(F) a record of any concerns the supervisor discussed with the LPC Associate, including a written remediation plan as prescribed in subsection (e) of this section; and ~~.~~

(G) a record of acknowledgement that the supervisee is self-employed, if applicable.

(2) The supervisor must provide a copy of all records to the LPC Associate upon request.

(b) Both the LPC-Associate and the supervising LPC-S are fully responsible for the professional counseling activities of the LPC-Associate. The LPC-S may be subject to disciplinary action for violations that relate only to the professional practice of counseling committed by the LPC-Associate which the LPC-S knew about or due to the oversight nature of the supervisory relationship should have known about.~~The full professional responsibility for the counseling activities of the LPC Associate rests with the LPC Associate's approved supervisor(s). If the LPC Associate receives disciplinary action by the Council, the supervisor may also be subject to disciplinary action.~~

(1) Supervisors must review all provisions of the Act and Council rules in this chapter during supervision.

(2) The supervisor must ensure the LPC Associate is aware of and adheres to all provisions of the Act and Council rules.

(c) The supervisor must avoid any relationship that impairs the supervisor's objective, professional judgment.

(1) The supervisor may not be related to the LPC Associate within the second degree of affinity or within the third degree of consanguinity.

(2) The supervisor may not be an employee of his or her LPC Associate.

(d) The supervisor must submit to the Council accurate documentation of the LPC Associate's supervised experience within 30 days of the end of supervision or the completion of the LPC Associate's required hours, whichever comes first.

(e) If a supervisor determines the LPC Associate may not have the counseling skills or competence to practice professional counseling under an LPC license, the supervisor will develop and implement a written plan for remediation of the LPC Associate, which must be reviewed and signed by the LPC Associate and maintained as part of the LPC Associate's file.

(f) The supervisor must ensure the supervised counseling experience of the LPC Associate were earned:

(1) after the LPC Associate license was issued; and

(2) in not less than 18 months of supervised counseling experience.

(g) A supervisor whose license has expired is no longer an approved supervisor and:

(1) must immediately inform all LPC Associates under his or her supervision and assist the LPC Associates in finding alternate supervisors; and

(2) must refund all supervisory fees for supervision after the expiration of the supervisor status.

(3) Hours accumulated under the person's supervision after the date of license expiration may not count as acceptable hours.

(h) Upon execution of a Council order for probated suspension, suspension, or revocation of the LPC license with supervisor status, the supervisor status is revoked. A licensee whose supervisor status is revoked:

(1) must immediately inform all LPC Associates under his or her supervision and assist the LPC Associates in finding alternate supervisors; and

(2) must refund all supervisory fees for supervision after the date the supervisor status is revoked; and

(3) hours accumulated under the person's supervision after the date of license expiration may not count as acceptable hours.

(i) Supervision of an LPC Associate without having Council approved supervisor status is grounds for disciplinary action

Rule: 681.6. Minutes.

Action: Proposed Repeal

Comment: Recordings of entire board meetings will be posted on a publicly accessible website; therefore this rule is no longer necessary.

~~§681.6. Minutes.~~

~~(a) The minutes of a board meeting are official only if affixed with the original signature of the chair or the chair's designee.~~

~~(b) Drafts of the minutes of each meeting will be forwarded to each member of the board for review and comments or corrections prior to approval by the board.~~

~~(c) The official minutes of the board meetings will be posted on the publicly-accessible board website.~~

Figure: 22 TAC §681.205

Rule	Subsection		Action
§681.41(a)		~~A licensee must not make any false, misleading, deceptive, fraudulent or exaggerated claim or statement about the licensee's services, including, but not limited to:~~	L5
	(1)~~1~~	~~the effectiveness of services;~~	L5
	(2)~~2~~	~~the licensee's qualifications, capabilities, background, training, experience, education, professional affiliations, fees, products, or publications; or~~	L5
	(3)~~3~~	~~the practice or field of counseling.~~	L5
§681.41(b)		~~A licensee must not make any false, misleading, deceptive, fraudulent or exaggerated claim or statement about the services of a mental health organization or agency, including, but not limited to, the effectiveness of services, qualifications, or products.~~	L5
§681.41(c)		~~A licensee must discourage a client from holding exaggerated or false ideas about the licensee's professional services, including, but not limited to, the effectiveness of the services, practice, qualifications, associations, or activities. If a licensee learns of exaggerated or false ideas held by a client or other person, the licensee must take immediate and reasonable action to correct the ideas held.~~	L5
§681.41(d)		~~A licensee must make reasonable efforts to discourage others whom the licensee does not control from making misrepresentations; exaggerated or false claims; or false, deceptive, or fraudulent statements about the licensee's practice, services, qualifications, associations, or activities. If a licensee learns of a misrepresentation; exaggerated or false claim; or false, deceptive, or fraudulent statement made by another, the licensee must take immediate and reasonable action to correct the statement.~~	L5
§681.41(e)		~~Regardless of setting, a licensee must provide counseling only in the context of a professional relationship. Prior to providing services, a licensee must obtain from an individual a signed informed consent, signed written receipt of information, or in the case of involuntary treatment a copy of the appropriate court order, including the following:~~	~~L4~~
	(1)~~1~~	~~fees and arrangements for payment;~~	L4
	(2)~~2~~	~~counseling purposes, goals, and techniques;~~	L4
	(3)~~3~~	~~any restrictions placed on the license by the Council;~~	L4
	(4)4	~~the limits on confidentiality;~~	L4
	(5)~~5~~	~~any intent of the licensee to use another individual to provide counseling treatment intervention to the client; and~~	L4

	(6)~~6~~	~~supervision of the licensee by another licensed health care professional including the name, address, contact information and qualifications of the supervisor;~~	L4
	(7)~~7~~	~~the name, address and telephone number of the Council for the purpose of reporting violations of the Act or this chapter; and~~	L4
	(8)~~8~~	~~the established plan for the custody and control of the client's mental health records in the event of the licensee's death or incapacity, or the termination of the licensee's counseling practice.~~	L4
§681.41(f)		~~A licensee must inform the client in writing of any changes to the items in subsection (e) of this section, prior to initiating the change.~~	L4
§681.41(g)		~~Technological means of communication may be used to facilitate the therapeutic counseling process.~~	L5
§681.41(h)		~~In accordance with the provisions of the Act, §503.401(a)(4), a licensee must not intentionally or knowingly offer to pay or agree to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, corporation, or entity for securing or soliciting clients or patronage.~~	L3
§681.41(i)		~~A licensee employed or under contract with a chemical dependency facility or a mental health facility must comply with the requirements in the Texas Health and Safety Code, §164.006, relating to soliciting and contracting with certain referral sources. Compliance with the Treatment Facilities Marketing Practices Act, Texas Health and Safety Code Chapter 164, must not be considered as a violation of state law relating to illegal remuneration.~~	L3
§681.41(j)		~~A licensee must not engage in activities for the licensee's personal gain at the expense of a client.~~	L4
§681.41(k)		~~A licensee may promote the licensee's personal or business activities to a client if such activities, services or products are to facilitate the counseling process or help achieve the client's counseling goals. Prior to engaging in any such activities, services or product sales with the client, the licensee must first inform the client of the licensee's personal and/or business interest therein. A licensee must not exert undue influence in promoting such activities, services or products.~~	L4
§681.41(l)		~~A licensee must set and maintain professional boundaries.~~	L4
§681.41(m)		~~Except as provided by this subchapter, non-therapeutic relationships with clients are prohibited.~~	L4
	(2)~~2~~	~~A licensee may not engage in a non-therapeutic relationship with a client if the relationship begins less than two (2) years after the end of the counseling relationship; the non-therapeutic relationship must be consensual, not the result of~~	L4

		~~exploitation by the licensee, and is not detrimental to the client.~~	
	(3)~~3~~	~~A licensee may not engage in sexual contact with a client if the contact begins less than five (5) years after the end of the counseling relationship; the non-therapeutic relationship must be consensual, not the result of exploitation by the licensee, and is not detrimental to the client.~~	L1
	(5A)~~5~~	~~The licensee must not provide counseling services to previous or current: (A) family members; (B) personal friends; (C) educational associates; or (D) business associates.~~	L5
	(5B)		L5
	(5C)		L5
	(5D)		L5
	(6)~~6~~	~~The licensee must not give or accept a gift from a client or a relative of a client valued at more than $50, borrow or lend money or items of value to clients or relatives of clients, or accept payment in the form of goods or services rendered by a client or relative of a client.~~	L5
	(7)~~7~~	~~The licensee must not enter into a non-professional relationship with a client's family member or any person having a personal or professional relationship with a client if the licensee knows or reasonably should have known such a relationship could be detrimental to the client.~~	L4
§681.41(n)		~~The licensee must not knowingly offer or provide counseling to an individual concurrently receiving counseling treatment intervention from another mental health services provider except with that provider's knowledge. If a licensee learns of such concurrent therapy, the licensee must request release from the client to inform the other professional and strive to establish positive and collaborative professional relationships.~~	L5
§681.41(p)		~~The licensee must take reasonable precautions to protect clients from physical or emotional harm resulting from interaction:~~	L5
§681.41(q)		~~For each client, a licensee must keep accurate records of:~~	L5
	(1)~~1~~	~~signed informed consent, signed written receipt of information, or in the case of involuntary treatment a copy of the appropriate court order~~	L4
	(2)~~2~~	~~intake assessment;~~	L5
	(3)~~3~~	~~dates of counseling treatment intervention;~~	L5

	(4)~~4~~	~~principal treatment methods;~~	L5
	(5)~~5~~	~~progress notes;~~	L5
	(6)~~6~~	~~treatment plan; and~~	L5
	(7)~~7~~	~~billing information.~~	L5
§681.41(r)		~~Records held by a licensee must be kept for a minimum of seven (7) years from the date of termination of services with the client or five (5) years after the client reaches age of majority, whichever is greater.~~	L5
~~§681.41(t)~~		~~Billing Requirements.~~	
§681.41(t)	(1)~~1~~	~~A licensee must bill clients or third parties for only those services actually rendered or as agreed to by mutual understanding at the beginning of services or as later modified by mutual written agreement.~~	L5
	(2)~~2~~	~~Relationships between a licensee and any other person used by the licensee to provide services to a client must be so reflected on billing documents.~~	L5
	(3)~~3~~	~~Pursuant to Texas Health and Safety Code, Chapter 611 on the written request of a client, a client's guardian, or a client's parent (sole managing, joint managing or possessory conservator) if the client is a minor, a licensee must provide, in plain language, a written explanation of the types of treatment and charges for counseling treatment intervention previously made on a bill or statement for the client. This requirement applies even if the charges are to be paid by a third party.~~	L5
	(4)~~4~~	~~A licensee may not knowingly overcharge a client.~~	L4
	(5)~~5~~	~~With the exception of an unkept appointment, a licensee may not submit to a client or a third party payor a bill for counseling treatment intervention the licensee knows or should know is improper, unreasonable, or unnecessary.~~	L4
§681.41(u)		~~A licensee must comply with all requirements of Texas Health and Safety Code Chapters 611 and 181 concerning the release of mental health records and confidential information.~~	L4
§681.41(v)		~~Prior to the commencement of counseling services to a minor client who is named in a custody agreement or court order, a licensee must obtain and review a current copy of the custody agreement or court order as well as any applicable part of the divorce decree. A licensee must maintain these documents in the client's record and abide by the documents at all times. When federal or state statutes provide an exemption to secure consent of a parent or guardian prior to providing services to a minor, a licensee must follow the protocol set forth in such federal or state statutes.~~	L5
§681.41(w)		~~A licensee must terminate a professional counseling relationship when it is reasonably clear the client is not benefiting from the relationship.~~	L4

§681.41(x)		~~Upon termination of a relationship if professional counseling is still necessary, the licensee must take reasonable steps to facilitate the transfer to appropriate care.~~	L5
§681.41(y)		~~A licensee must not evaluate any individual's mental, emotional, or behavioral condition unless the licensee has personally interviewed the individual or the licensee discloses in the evaluation the licensee has not personally interviewed the individual.~~	L4
§681.41(z)		~~A licensee must not knowingly overtreat a client.~~	L4
§681.41(aa)		~~A licensee must not aid or abet the unlicensed practice of professional counseling by a person required to be licensed under the Act.~~	L1
§681.41(cc)		~~A licensee or an applicant for licensure must not participate in any way in the falsification of applications for licensure or renewal of license.~~	L1
~~§681.42(b)~~		~~A licensee must not engage in sexual contact with or sexual exploitation of a person who is:~~	
§681.42(b)	(1)~~1~~	~~a client~~	L1
	(2)~~2~~	~~an LPC Associate supervised by the licensee; or~~	L1
	(3)~~3~~	~~a student of a licensee at an educational institution at which the licensee provides professional or educational services.~~	L1
§681.42(c)		~~A licensee must not practice therapeutic deception of a client.~~	L1
~~§681.42(f)~~		~~A licensee must report sexual misconduct as follows:~~	
§681.42(f)	(1)~~1~~	~~If a licensee has reasonable cause to suspect a client, LPC Associate, or student has been the victim of sexual exploitation, sexual contact, or therapeutic deception by another licensee or a mental health provider, or if a client, LPC Associate, or student alleges sexual exploitation, sexual contact, or therapeutic deception by another licensee or a mental health services provider, the licensee must report the alleged conduct not later than the third business day after the date the licensee became aware of the conduct or the allegations to:~~	L5
	(1)(A)	~~(A) the prosecuting attorney in the county in which the alleged sexual exploitation, sexual contact or therapeutic deception occurred;~~	L5
	(1)(B)	~~(B) the Council if the conduct involves a licensee and any other state licensing agency which licenses the mental health provider; and~~	L5
	(1)(C)	~~(C) to the appropriate agency listed in §681.45 of this title (relating to Confidentiality and Required Reporting).~~	L5
	(2)~~2~~	~~Before making a report under this subsection, the reporter must inform the alleged victim of the reporter's duty to report and must determine if the alleged victim wants to remain anonymous.~~	L5

§681.43(a)		~~Prior to or following the administration of any test, a licensee must make known to clients the purposes and explicit use to be made of the test as a part of a professional counseling relationship.~~	L5
§681.43(b)		~~A licensee must not appropriate, reproduce, or modify copyrighted tests or any parts thereof without the acknowledgment and permission of the copyright owner.~~	L5
§681.43(c)		~~A licensee must not administer any test without the appropriate training and experience to administer and interpret the test.~~	L4
§681.43(d)		~~A licensee must observe the necessary precautions to maintain the security of any test administered by the license or under the licensee's supervision.~~	L5
§681.43(e)		~~In accordance with the §503.003(b)(1) of the Act, the use of standardized projective techniques is prohibited. This prohibition includes, but is not limited to, the Rorschach Inkblot Test, the Holtzman Inkblot Test, the Thematic Apperception Test, the Children's Apperception Test, and the Senior Apperception Test.~~	L5
~~§681.44~~		~~A licensee must not:~~	
§681.44	(1)~~1~~	~~use alcohol or drugs in a manner that adversely affects the licensee's ability to provide counseling;~~	L3
§681.45(b)		~~A licensee must not disclose any communication, record, or identity of a client except as provided in Texas Health and Safety Code Chapter 611 or other state or federal statutes or rules.~~	L4
§681.45(c)		~~A licensee must comply with Texas Health and Safety Code, Chapters 181 and 611, concerning access to mental health records and confidential information.~~	L4
~~§681.45(d)~~		~~A licensee must report information as required by the following statutes:~~	
§681.45(d)	(1)~~1~~	~~Texas Family Code Chapter 261, Subchapter B, concerning report of abuse or neglect of minors;~~	L4
	(2)~~2~~	~~Texas Human Resources Code Chapter 48, Subchapter B, concerning reports of abuse, neglect, or exploitation of elderly or disabled persons;~~	L4
	(3)~~3~~	~~Texas Health and Safety Code Chapter 161, Subchapter L, concerning abuse, neglect, and unprofessional or unethical conduct in health care facilities; and~~	L4
	(4)~~4~~	~~Texas Civil Practice and Remedies Code, §81.006, concerning duty to report sexual exploitation by a mental health provider.~~	L4
	(5)~~5~~	~~A licensee must comply with Texas Occupations Code §109.051 relating to the release of treatment information concerning the treatment of a sex offender.~~	L4

§681.46(b)		~~A licensee has the responsibility of reporting alleged violations of the Act or this chapter to the Council.~~	L5
§681.47(b)		~~An assumed or trade name used by a licensee must not be false, deceptive, or misleading as those terms are described in §681.49(b) of this title (relating to Advertising and Announcements).~~	L5
§681.49(a)		~~Information used by a licensee in any advertisement or announcement must not contain information which is false, inaccurate, misleading, incomplete, out of context, deceptive or not readily verifiable. Advertising includes, but is not limited to, any announcement of services, letterhead, business cards, commercial products, and billing statements.~~	L5
§681.49(d)		~~The highest academic degree in counseling or a counseling-related field earned from an accredited school may be used when advertising or announcing counseling treatment intervention to the public or in counseling-related professional representations. A degree in counseling or a counseling-related field received at a foreign university may be used if the degree would be accepted as a transfer degree by an accredited school.~~	L5
§681.49(e)		~~Notwithstanding the foregoing, a licensee may advertise or announce his or her other degrees from an accredited school if the subject of the degree is specified.~~	L5
§681.49(g)		~~All advertisements or announcements of counseling including telephone directory listings by a person licensed by the Council must clearly state the licensee's licensure status by the use of a title such as "Licensed Counselor", or "Licensed Professional Counselor", or "LPC", or a statement such as "licensed by the Texas Behavioral Health Executive Council" with reference to the "Texas State Board of Examiners of Professional Counselors."~~	L5
§681.49(h)		~~An LPC Associate must indicate intern status on all advertisements, billing, and announcements of counseling treatment by the use of the term "LPC Associate." On all advertisements, billings and announcements of counseling treatment by an LPC Associate, the associate's name must be followed by the name of the supervisor.~~	L5
§681.49(i)		~~A licensee is required to hold the art therapy specialty designation in order to use the title "art therapist" or the initials "AT." A licensee who does not hold the designation may use art therapy as a counseling method but may not use the title or initials.~~	L5
§681.50(a)		~~In research with a human participant, a licensee must take reasonable precautions to ensure that the participant does not suffer emotional or physical harm.~~	L5

§681.50(b)		~~A licensee must ensure the full protection of a client's identity when using data obtained from a professional counseling relationship for the purposes of education or research.~~	L5
§681.50(c)		~~When conducting or reporting research, a licensee must give recognition to previous work on the topic as well as observe all copyright laws.~~	L5
§681.50(d)		~~A licensee must give due credit through joint authorship, acknowledgment, footnote statements, or other appropriate means to the person/persons who have contributed significantly to the licensee's research or publication.~~	L5
~~§681.51(b)~~		~~A licensee who serves as a parenting coordinator has a duty to provide the following information in writing to the parties of the suit about the responsibility of the licensee and the role of the appointed court.~~	
§681.51(b)	(3)~~3~~	~~A licensee must not provide professional counseling services to any person while simultaneously providing parenting coordination services. This section does not apply if the court enters a finding that mental health services are not readily available in the location where the parties reside.~~	L4
§681.52(d)			L4
§681.52(e)			L5
§681.52(i)			L5
§681.52(j)			L5
§681.52(k)			L5
§681.52(l)			L5
§681.52(m)			L5
§681.52(n)			L5
§681.52(o)			L5
§681.52(p)	(1)		L5
	(2)		L5
	(3)		L5

	(4)		L5
	(5)		L5
§681.52(q)			L5
§681.52(s)			L5
§681.52(u)			L5
	(1)		L5
	(2)		L5
§681.52(v)			L5
§681.52(w)			L5
§681.52(x)			L5
	1		L5
	2		L5
	3		L5
	4		L5
	5		L5
§681.52(y)			L5
§681.52(z)			L5
§681.52(aa)			L5
§681.52(bb)			L5

§681.52(dd)			L5
§681.52(ff)			L5
§681.53(a)			L5
§681.53(c)			L5
§681.53(d)			L5
§681.53(e)			L5
§681.53(f)			L4
§681.53(g)			L3
§681.53(h)			L5
	1		L4
	2		L4
§681.53(i)			L4
§681.91(d)		~~Licensed Professional Counselor Supervisor (LPC-S). The LPC Associate may not own an independent professional counseling practice.~~	L1
~~§681.91(l)~~		~~An LPC Associate must not accept direct payment for services from a client.~~	~~L4~~
§681.93(a)		~~A supervisor must keep a written record of each supervisory session in the file for the LPC Associate.~~	
§681.93(a)	(1)~~1~~	~~The supervisory written record must contain:~~	
	(1)(A)	~~(A) a signed and dated copy of the Council's supervisory agreement form for each of the LPC Associate's supervisors;~~	L5
	(1)(B)	~~(B) a copy of the LPC Associate's online license verification wall certificate noting the dates of issuance and expiration;~~	L5
	(1)(C)	~~(C) fees and record of payment;~~	L5
	(1)(D)	~~(D) the date of each supervisory session;~~	L5

	(1)(E)	~~(E) a record of an LPC Associate's leave of one month or more, documenting the supervisor's approval and signed by both the LPC Associate and the supervisor; and~~	L5
	(1)(F)	~~(F) a record of any concerns the supervisor discussed with the LPC Associate, including a written remediation plan as prescribed in subsection (e) of this section.~~	L5
	(2)~~2~~	~~The supervisor must provide a copy of all records to the LPC Associate upon request.~~	L5
§681.93(c)		~~The supervisor must avoid any relationship that impairs the supervisor's objective, professional judgment.~~	L5
	(1)~~1~~	~~The supervisor may not be related to the LPC Associate within the second degree of affinity or within the third degree of consanguinity.~~	L5
	(2)~~2~~	~~The supervisor may not be an employee of his or her LPC Associate.~~	L5
§681.93(d)		~~The supervisor must submit to the Council accurate documentation of the LPC Associate's supervised experience within 30 days of the end of supervision or the completion of the LPC Associate's required hours, whichever comes first.~~	L5
§681.93(e)		~~If a supervisor determines the LPC Associate may not have the counseling skills or competence to practice professional counseling under an LPC license, the supervisor will develop and implement a written plan for remediation of the LPC Associate, which must be reviewed and signed by the LPC Associate and maintained as part of the LPC Associate's file.~~	L5
~~§681.93(f)~~		~~The supervisor must ensure the supervised counseling experience of the LPC Associate were earned:~~	
§681.93(f)	(1)~~1~~	~~after the LPC Associate license was issued; and~~	L5
	(2)~~2~~	~~in not less than 18 months of supervised counseling experience.~~	L5
~~§681.93(h)~~		~~Upon execution of a Council order for probated suspension, suspension, or revocation of the LPC license with supervisor status, the supervisor status is revoked. A licensee whose supervisor status is revoked:~~	
§681.93(h)	(2)~~2~~	~~must refund all supervisory fees for supervision after the date the supervisor status is revoked; and~~	L4
~~§681.51(b)~~		~~A licensee who serves as a parenting coordinator has a duty to provide the following information in writing to the parties of the suit about the responsibility of the licensee and the role of the appointed court.~~	-
	~~3~~	~~A licensee must not provide professional counseling services to any person while simultaneously providing parenting coordination services. This section does not apply if the court enters a finding that mental health services are not readily available in the location where the parties reside.~~	~~L4~~

~~§681.52(d)~~		~~In accordance with Texas Family Code, §153.6102(e), a licensee serving as a parenting facilitator must not provide other professional counseling services to any person while simultaneously providing parent facilitation services. This section does not apply if the court enters a finding that mental health services are not readily available in the location where the parties reside.~~	~~L4~~
~~§681.52(e)~~		~~In accordance with Texas Family Code, §153.6101(b)(1), a licensed professional counselor associate must not serve as a parenting facilitator.~~	~~L5~~
~~§681.52(i)~~		~~A licensee, serving as a parenting facilitator, must be alert to the reasonable suspicion of acts of domestic violence directed at a parent, a current partner, or children. The parenting facilitator must adhere to protection orders, if any, and take reasonable measures to ensure the safety of the participants, the children and the parenting facilitator, while understanding that even with appropriate precautions a guarantee that no harm will occur can be neither stated nor implied.~~	~~L5~~
~~§681.52(j)~~		~~In order to protect the parties and children in domestic violence cases involving power, control and coercion, a parenting facilitator must tailor the techniques used so as to avoid offering the opportunity for further coercion.~~	~~L5~~
~~§681.52(k)~~		~~A licensee serving as a parent facilitator must be alert to the reasonable suspicion of substance abuse by parents or children, as well as mental health impairment of a parent or child.~~	~~L5~~
~~§681.52(l)~~		~~A licensee serving as a parenting facilitator must not provide legal advice.~~	~~L5~~
~~§681.52(m)~~		~~A licensee serving as a parenting facilitator must serve by written agreement of the parties and/or formal order of the court.~~	~~L5~~
~~§681.52(n)~~		~~A licensee serving as a parenting facilitator must not initiate providing services until the licensee has received and reviewed the fully executed and filed court order or the signed agreement of the parties.~~	~~L5~~
~~§681.52(o)~~		~~A licensee serving as a parenting facilitator must maintain impartiality in the process of parenting facilitation. Impartiality means freedom from favoritism or bias in word, action, or appearance, and includes a commitment to assist all parties, as opposed to any one individual.~~	~~L5~~
~~§681.52(p)~~		~~A licensee serving as a parenting facilitator:~~	
	~~1~~	~~must terminate or withdraw services if the licensee determines the licensee cannot act in an impartial or objective manner;~~	~~L5~~

	~~2~~	~~must not give or accept a gift, favor, loan or other item of value from any party having an interest in the parenting facilitation process;~~	~~L5~~
	~~3~~	~~must not coerce or improperly influence any party to make a decision;~~	~~L5~~
	~~4~~	~~must not intentionally or knowingly misrepresent or omit any material fact, law, or circumstance in the parenting facilitator process; and~~	~~L5~~
	~~5~~	~~must not accept any engagement, provide any service, or perform any act outside the role of parenting facilitation that would compromise the facilitator's integrity or impartiality in the parenting facilitation process.~~	~~L5~~
~~§681.52(q)~~		~~A licensee serving as a parenting facilitator may make referrals to other professionals to work with the family, but must avoid actual or apparent conflicts of interest by referrals. No commissions, rebates, or similar remuneration must be given or received by a licensee for parenting facilitation or other professional referrals.~~	~~L5~~
~~§681.52(s)~~		~~A licensee serving as a parenting facilitator must communicate with all parties, attorneys, children, and the court in a manner which preserves the integrity of the parenting facilitation process and considers the safety of the parents and children.~~	~~L5~~
~~§681.52(u)~~		~~A licensee serving as a parenting facilitator must, prior to the beginning of the parenting facilitation process and in writing, inform the parties of:~~	~~L5~~
	~~1~~	~~the limitations on confidentiality in the parenting facilitation process; and~~	~~L5~~
	~~2~~	~~the basis of fees and costs and the method of payment including any fees associated with postponement, cancellation and/or nonappearance, and the parties' pro rata share of the fees and costs as determined by the court order or written agreement of the parties.~~	~~L5~~
~~§681.52(v)~~		~~Information obtained during the parenting facilitation process must not be shared outside the parenting facilitation process except for professional purposes, as provided by court order, by written agreement of the parties, or as directed by the Council.~~	~~L5~~
~~§681.52(w)~~		~~In the initial session with each party, a licensee serving as a parenting facilitator must review the nature of the parenting facilitator's role with the parents to ensure that they understand the parenting facilitation process.~~	~~L5~~
~~§681.52(x)~~		~~(x) A licensee serving as a parenting facilitator:~~	~~L5~~
	~~1~~	~~must comply with all mandatory reporting requirements, including but not limited to Texas Family Code Chapter 261, concerning abuse or neglect of minors;~~	~~L5~~

	~~2~~	~~must report to law enforcement or other authorities if they have reason to believe that any participant appears to be at serious risk to harm themselves or a third party;~~	~~L5~~
	~~3~~	~~must maintain records necessary to support charges for services and expenses and must make a detailed accounting of those charges to the parties and their counsel if requested to do so;~~	~~L5~~
	~~4~~	~~must maintain notes regarding all communications with the parties, the children, and other persons with whom they speak about the case; and~~	~~L5~~
	~~5~~	~~must maintain records in a manner that is professional, legible, comprehensive, and inclusive of information and documents that relate to the parenting facilitation process and that support any recommendations made by the licensee.~~	~~L5~~
~~§681.52(y)~~		~~Records of a licensee serving as a parenting facilitator, are not mental health records and are not subject to the disclosure requirements of Texas Health and Safety Code, Chapter 611. At a minimum, records must be maintained for the period of time described in §681.41(r) of this title (relating to General Ethical Requirements), or as otherwise directed by the court.~~	~~L5~~
~~§681.52(z)~~		~~Records of a licensee serving as a parenting facilitator must be released on the request of either parent, as directed by the court, or as directed by the Council.~~	~~L5~~
~~§681.52(aa)~~		~~Charges for parenting facilitation services must be based upon the actual time expended by the parenting facilitator or as directed by the written agreement of the parties and/or formal order of the court.~~	~~L5~~
~~§681.52(bb)~~		~~All fees and costs must be appropriately divided between the parties as directed by the court order of appointment and/or as noted in the parenting facilitators' written fee disclosure to the parties.~~	~~L5~~
~~§681.52(dd)~~		~~Services and activities for which a licensee serving as a parenting facilitator may charge include time spent interviewing parents, children and collateral sources of information; preparation of agreements, correspondence, and reports; review of records and correspondence; telephone and electronic communication; travel; court preparation; and appearances at hearings, depositions and meetings.~~	~~L5~~
~~§681.52(ff)~~		~~A licensee serving as a parent facilitator must decline an appointment, withdraw, or request appropriate assistance when the facts and circumstances of the case are beyond the licensee's skill or expertise.~~	~~L5~~
~~§681.53(a)~~		~~Licensees must comply with Texas Family Code, Chapter 107, Subchapters D, E, and F concerning Child Custody Evaluation, Adoption Evaluation, and Evaluations in Contested Adoptions.~~	~~L5~~

~~§681.53(c)~~		~~Any complaint relating to the outcome of a child custody evaluation or adoption evaluation conducted by a licensee must be reported to the court that ordered the evaluation.~~	~~L5~~
~~§681.53(d)~~		~~Disclosure of confidential information in violation of Texas Family Code, §107.111 or §107.163 is grounds for disciplinary action, up to and including revocation of license, by the Council.~~	~~L5~~
~~§681.53(e)~~		~~A licensee who provides services concerning a matter which the licensee knows or should know will be utilized in a legal proceeding, such as a divorce, child custody determination, disability claim, or criminal prosecution, must comply with all applicable Council rules regardless of whether the licensee is acting as a factual witness or an expert.~~	~~L5~~
~~§681.53(f)~~		~~A licensee may not provide therapy and any other type of service, including but not limited to a child custody evaluation or parenting facilitation, in the same case, whether such services are delivered sequentially or simultaneously.~~	~~L4~~
~~§681.53(g)~~		~~Licensees may not offer an expert opinion or recommendation relating to the conservatorship of or possession of or access to a child unless the licensee has conducted a child custody evaluation relating to the child under Texas Family Code, Subchapter D, Chapter 107.~~	~~L3~~
~~§681.53(h)~~		~~Licensees providing child custody evaluations or adoption evaluations must, prior to beginning the evaluation, in writing inform the parties of:~~	~~L5~~
	~~1~~	~~The limitations on confidentiality in the evaluation process; and~~	~~L4~~
	~~2~~	~~The basis of fees and costs and the method of payment, including any fees associated with postponement, cancelation and/or nonappearance, and the parties' pro rata share of the fees and costs as determined by the court order or written agreement of the parties.~~	~~L4~~
~~§681.53(i)~~		~~A Licensed Professional Counselor Associate (LPC Associate) must not conduct child custody evaluations or adoption evaluations unless qualified by another professional license to provide such services.~~	~~L4~~

Rule: 681.205. Schedule of Sanctions.

Action: Adopted Amendment

Comment: The amendment is necessary to match other corresponding rule amendments made or proposed that are referenced in this rule. Substantively this schedule of sanctions is not changing, none of the sanctions are proposed to be changed. But the duplicative language that mirrors the language in each rule is being repealed as it is unnecessary and must be changed each time a corresponding rule is changed. Additionally, §681.91(l) is deleted from this schedule since it has previously been proposed to be repealed.

§681.205. Schedule of Sanctions.

The following standard sanctions shall apply to violations of the Act and these rules.

Figure: 22 TAC §681.205

Rule: 681.140. Requirements for Continuing Education.

Action: Proposed New Rule

Comment: This proposed new rule consolidates all the continuing education requirements contained in multiple rules into this single rule. Additionally, this rule adds and changes some of the requirements for each renewal cycle. For example, LPCs will now be required to complete three hours of cultural diversity or competency, licensees with supervisor status will still be required to complete six hours in supervision but these hours will now be counted towards the minimum hours required instead of in addition to the required hours, the jurisprudence exam will become optional for licensees and all licensees who take the exam can claim one hour of ethics credit, and lastly licensees can now claim up to one hour of self-study continuing education credit.

681.140. Requirements for Continuing Education.

(a) Minimum Continuing Education Hours Required.

(1) An LPC must complete 24 hours of continuing education during each renewal period that they hold a license. The 24 hours of continuing education must include 6 hours in ethics and 3 hours in cultural diversity or competency.

(2) A licensee may carry forward to the next renewal period, a maximum of 10 hours accrued during the current renewal period if those hours are not needed for renewal.

(b) Special Continuing Education Requirements.

(1) A licensee with supervisory status must complete 6 hours of continuing education in supervision.

(2) The special continuing education requirements set out in this subsection may be counted toward the minimum continuing education hours required under subsection (a).

OR

(b) Special Continuing Education Requirements. A licensee with supervisory status must complete 6 hours of continuing education in supervision. These hours may be counted toward the minimum continuing education hours required under subsection (a).

(c) Acceptable ethics hours include, but are not limited to continuing education on:

Commented [DS1]: Recommendation would increase this # from 4 to 6.

Commented [DS2]: The hours for ethics and cultural competency were recommended by a plurality of committee members, not a majority (i.e., some committee members did not offer an opinion on this issue). I wanted to point this fact out to distinguish this particular recommendation from the remainder of the rule which does reflect a recommendation by the majority of the committee.

To be fair, no committee members expressed concern or disagreement over these recommendations.

Commented [DS3]: This would be a new CE requirement for LPC-S's

Commented [DS4]: 2 different versions of the same rule...my preference is the 1st version because it tracks the style being proposed to the other boards.

(1) state or federal laws, including agency rules, relevant to the practice of professional counseling;

(2) practice guidelines established by local, regional, state, national, or international professional organizations;

(3) training or education designed to demonstrate or affirm the ideals and responsibilities of the profession; and

(4) training or education intended to assist licensees in determining appropriate decision-making and behavior, improve consistency in or enhance the professional delivery of services, and provide a minimum acceptable level of practice.

(d) Acceptable cultural diversity or competency hours include, but are not limited to continuing education regarding age, disability, ethnicity, gender, gender identity, language, national origin, race, religion, culture, sexual orientation, and socio-economic status.

(e) Acceptable Continuing Education Activities.

(1) All continuing education hours must have been received during the renewal period and be directly related to the practice of professional counseling;

(2) The Council shall make the determination as to whether the activity claimed by the licensee is directly related to the practice of professional counseling;

(3) Except for hours claimed under subsection (h), all continuing education hours obtained must be designated by the provider in a letter, email, certificate, or transcript that displays the licensee's name, topic covered, date(s) of training, and hours of credit earned.

(4) Multiple instances or occurrences of a continuing education activity may not be claimed for the same renewal period.

(f) Licensees must obtain at least fifty percent of their continuing education hours from one or more of the following providers:

(1) an international, national, regional, state, or local association of medical, mental, or behavioral health professionals;

(2) public school districts, charter schools, or education service centers;

(3) city, county, state, or federal governmental entities;

(4) an institution of higher education accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation, the Texas Higher Education Coordinating Board, or the United States Department of Education;

(5) religious or charitable organizations devoted to improving the mental or behavioral health of individuals; or

(6) any provider approved or endorsed by a provider listed herein.

(g) Licensees shall receive credit for continuing education activities according to the number of hours designated by the provider, or if no such designation, on a one-for-one basis with one credit hour for each hour spent in the continuing education activity.

(h) Licensees may claim continuing education credit for each of the following activities:

(1) Passage of the jurisprudence examination. Licensees who pass the jurisprudence examination may claim 1 hour of continuing education in ethics.

(2) Preparing and giving a presentation at a continuing education activity. The maximum number of hours that may be claimed for this activity is 5 hours.

(3) Authoring a book or peer reviewed article. The maximum number of hours that may be claimed for this activity is 5 hours.

(4) Teaching or attending a graduate level course. The maximum number of hours that may be claimed for this activity is 5 hours.

(5) Self-study. The maximum number of hours that may be claimed for this activity is 1 hour.

(6) Successful completion of a training course on human trafficking prevention described by §116.002 of the Occupations Code. Licensees who complete this training may claim 1 hour of continuing education credit.

(i) The Council does not pre-evaluate or pre-approve continuing education providers or hours.

(j) Licensees shall maintain proof of continuing education compliance for a minimum of 3 years after the applicable renewal period.

Rule: 681.141. General Continuing Education Requirements.

Action: Proposed Repeal

Comment: This rule is proposed to be repealed because these same requirements have been added to new Board rule §681.140, pertaining to continuing education, where all licensee continuing education requirements have been consolidated.

~~§681.141. General Continuing Education Requirements.~~

~~(a) The purpose of Council rules §§681.141-681.147 is to establish the continuing education requirements for the renewal of an LPC license. These requirements are intended to maintain and improve the quality of professional counseling services provided to the public and maintain licensee knowledge of current research, techniques, and practice; and provide resources which will improve skill and competence in professional counseling.~~

~~(b) A licensee must complete 24 clock-hours of continuing education acceptable to the Council during each 24-month period. A clock-hour is 60 minutes of attendance and participation in an acceptable continuing education experience. A licensee must complete at least four hours of continuing education in ethics, two of which must be directly related to Texas LPC ethics, each renewal period. Completion of the jurisprudence examination will count as one hour of continuing education in Texas LPC ethics.~~

~~(c) A licensee holding the supervisor status must complete 6 additional hours of continuing education in supervision every 2 years~~

Rule: 681.142. Acceptable Continuing Education

Action: Proposed Repeal

Comment: This rule is proposed to be repealed because these same requirements have been added to new Board rule §681.140, pertaining to continuing education, where all licensee continuing education requirements have been consolidated.

~~§681.142. Acceptable Continuing Education. The continuing education must be related to counseling.~~

~~(1) The licensee must ensure the education provided is related to the practice of professional counseling.~~

~~(2) The licensee must ensure the individual(s) presenting the information have the necessary experience and knowledge in the topic(s) presented.~~

~~(3) The presenter must verify attendance of participants and provides participants with a letter or certificate of attendance displaying the licensee's name, topic covered, date course was taken, and hours of credit earned.~~

~~(4) The presenter must provide participants a mechanism for evaluation of each continuing education activity.~~

Rule: 681.143. Activities Unacceptable as Continuing Education.

Action: Proposed Repeal

Comment: This rule is proposed to be repealed because these same requirements have been added to new Board rule §681.140, pertaining to continuing education, where all licensee continuing education requirements have been consolidated.

~~§681.143. Activities Unacceptable as Continuing Education. The Council will not give continuing education credit to a licensee for:~~

~~(1) education incidental to the regular professional activities of a counselor such as learning occurring from experience or research;~~

~~(2) organizational activity such as serving on committees or councils or as an officer in a professional organization;~~

~~(3) meetings and activities not related to the practice of professional counseling that are required as a part of one's job;~~

~~(4) teaching or consultation that is part of one's employment; and~~

~~(5) an experience that does not fit the types of acceptable continuing education in §681.141 of this title (relating to Acceptable Continuing Education).~~

Rule: 681.145. Determination of Clock-hour Credits.

Action: Proposed Repeal

Comment: This rule is proposed to be repealed because these same requirements have been added to new Board rule §681.140, pertaining to continuing education, where all licensee continuing education requirements have been consolidated.

~~§681.145. Determination of Clock-hour Credits.~~

~~(a) Programs which meet the criteria of §681.142 of this title (relating to Acceptable Continuing Education) shall be credited on a one-for-one basis with one clock-hour of credit for each clock-hour spent in the continuing education activity.~~

~~(b) Teaching in programs not part of the licensee's employment which meet the Council's criteria as set out in §681.142 of this title will be credited on the basis of one clock-hour of credit for one clock-hour taught plus two clock-hours credit for preparation for each hour taught. No more than 9 hours of the 24 clock-hour continuing education requirement can be credited under this option. Credit may be granted for the same presentation only once during a two-year period.~~

~~(c) Completion of academic work with a passing grade in subject areas supporting the development of skills and competence in professional counseling at an accredited school will be credited on the basis of 15 clock-hours of credit for each semester hour or 10 clock-hours of credit for each quarter hour completed.~~

Rule: 681.147. 40-Clock-Hour Supervisor Training Course.

Action: Proposed Amendments

Comment: Section 681.142 has been proposed to be repealed and replaced with §681.140, so corresponding amendments have been made to this rule.

§681.147. 40-Clock-Hour Supervisor Training Course. The 40-clock-hour supervision training must comply with ~~§681.142~~ §681.140 of this title (relating to ~~Acceptable~~ Requirements for Continuing Education) and:

(1) the course must be taught by a full LPC with supervisor status;

(2) all related coursework and assignments must be completed over a time period not to exceed 90 days; and

(3) the 40-clock-hour supervision training must include at least:

(A) three (3) clock-hours for defining and conceptualizing supervision and models of supervision;

(B) three (3) clock-hours for supervisory relationship and counselor development;

(C) twelve (12) clock-hours for supervision methods and techniques, covering roles (teacher, counselor, and consultant), focus (process, conceptualization, and personalization), group supervision, multi-cultural supervision (racial, ethnic, and gender issues), and evaluation methods;

(D) twelve (12) clock-hours covering roles for supervision and standards of practice; Subchapter B (relating to Rules of Practice); Subchapter C (relating to Application and Licensing); §681.91 of this title (relating to LPC Associate License); §681.92 of this title (relating to Experience Requirements); §681.93 of this title (relating to Supervisor Requirements); other codes of ethics; and legal and professional issues; and

(E) three (3) clock-hours for executive and administrative tasks, covering supervision plan, supervision contract, time for supervision, record keeping, and reporting.

Rule: 681.83. Academic Course Content.

Action: Proposed Amendment

Comment: The proposed amendment is intended to streamline the application review process, and ensure applicants have completed the necessary fundamental professional counseling courses to ensure minimum competency.

681.83. Academic Course Content.

(a) An applicant who holds a graduate degree in counseling from an accredited school is presumed to have satisfied the academic course content requirements described in this section.

(b) An applicant who holds a graduate degree in a counseling-related field must successfully complete at least one course in each of the following areas:

(1) normal human growth and development - the process and stages of human intellectual, physical, social, and emotional development from prenatal origins through adulthood;

(2) psychopathology (abnormal human behavior) - the principles of understanding and diagnosing dysfunction in human behavior or social disorganization via the most current edition of the Diagnostic and Statistical Manual available at the time of instruction;

(3) appraisal or assessment techniques - the principles, concepts, and procedures of systematic appraisal or assessment of an individual's attitudes, aptitudes, achievements, interests, and personal characteristics, which may include the use of both non-testing approaches and test instruments;

(4) counseling theories - the major theories of professional counseling;

(5) counseling methods or techniques - the methods or techniques used to provide counseling treatment intervention including:

(A) counseling individuals; and

(B) the theory and types of groups, including dynamics and the methods of practice with groups;

(6) research - the methods of research which may include the study of statistics or a thesis project;

(7) life style and career development - the theories of vocational choice, career choice and life style, sources of occupational and educational information, and career decision-making processes;

(8) social, cultural, and family issues - the studies of change, ethnic groups, gender studies, family systems, urban and rural societies, population patterns, cultural patterns, and differing life styles;

(9) professional orientation - the objectives of professional organizations, ~~codes of ethics~~, legal aspects of practice, standards of preparation, and the role identity of persons providing direct counseling treatment intervention; and

(10) practicum (internship) - supervised practicum experience primarily counseling in nature which includes:

(A) At least 300 clock-hours, of which at least 100 hours must be direct client counseling.

(B) Academic credit or other acknowledgment of the practicum/internship must appear on the applicant's official graduate transcript.

(c) The remaining courses needed to meet the 48/60 graduate semester hour requirement must be counseling-related course work in areas directly supporting the development of an applicant's professional counseling skills and must be courses related primarily to professional counseling.

(d) As of August 1, 2017, the following courses must be taken in addition to those outlined in subsection (b) of this section, to meet the 60 semester hour requirement:

(1) addictions counseling; to include, but not limited to, gambling, sexual, eating, alcohol, or drug;

(2) ~~an additional course in~~ counselor ethics; to include records management, an overview of business/family law and professional practice, and the study of current Council rules; <u>and</u>

(3) couples, marriage, or family counseling<u>.</u>~~; and~~

~~(4) a course in psychopathology to include such content as criteria of psychiatric diagnosis, use of the current Diagnostic and Statistical Manual of Mental Disorders and the theories of psychopathology. The course should also include the basic knowledge of types of psychopharmacological medications.~~

(e) Passing the National Counselor Exam or National Clinical Mental Health Counselor Exam does not guarantee that Texas state licensure requirements have been satisfied.

COUNSELING COMPACT STATE LIST 2/10/2022

Legislation Enacted

1. Georgia
2. Maryland

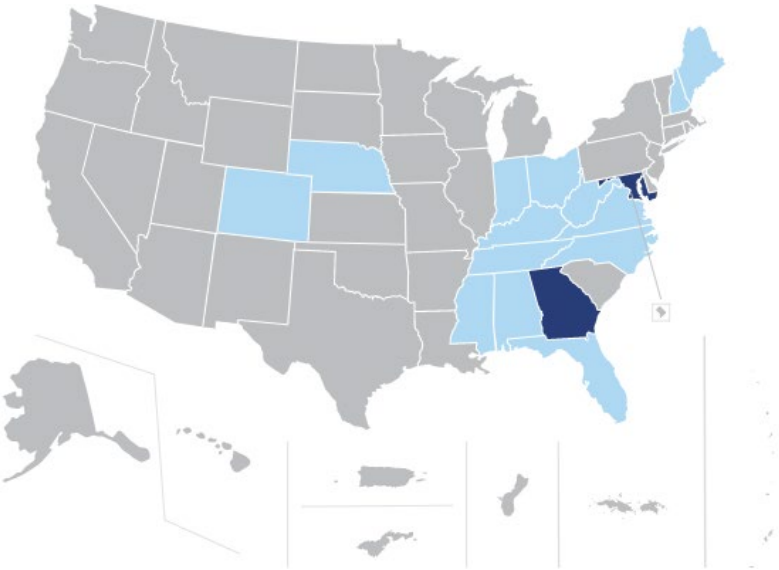
Legislation Pending

1. Alabama
2. Colorado
3. Indiana
4. Kentucky
5. Maine
6. Mississippi
7. Nebraska
8. New Hampshire
9. North Carolina
10. Ohio
11. Tennessee
12. Virginia
13. West Virginia

MAP

Legislation Pending

Legislation Enacted



Texas State Board of Examiners of Professional Counselors

Tentative 2022-2023 Meeting Schedule

PLEASE NOTE:
Meeting dates, times, and details are subject to change. Except in the case of emergency or unforeseeable events, final meeting information is available seven days prior to the meeting(s) at: http://www.sos.state.tx.us/open/index.shtml.

Tentative: Hobby Building 333 Guadalupe St., Austin, TX 78701

Tentative Meeting Date	Committees/ Full Board	Tentative Meeting Location
February 11, 2022	Full Board	Hobby Building
May 6, 2022	Full Board	Hobby Building
September 9, 2022	Full Board	TBD
November 4, 2022	Full Board	TBD
January 20, 2023	Full Board	TBD
May 5, 2023	Full Board	TBD
August 4, 2023	Full Board	TBD

~last modified date: February 2, 2022