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
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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, January 20, 2023 9am

The January 20, 2023 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 Council members may appear at the scheduled meeting via videoconference call, but the presiding member will be physically present at 1801 Congress Ave., Ste. 7.301, Austin, Texas 78701. This location 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 three (3) 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/81861881735 **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 Council. 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 by clicking here. Only those written public comments received by 5pm on the last business day prior to the meeting will be submitted to the council 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 Council at least 5 working days before the meeting date. Phone: (512) 305-7700, 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.

Board Meeting Agenda for January 20, 2023 at 9am

1. Call to Order.
2. Roll Call and Certification of Quorum
3. Board review and possible action regarding Application Review or Denial.
4. Discussion and possible action regarding orders to be executed by Board Chair.
5. Report of orders from FY 2023 – Q1 executed by Council's Executive Director.
6. Reports Review:
   A. FY 2023 – Q1 Performance Measure Report
   B. FY 2023 – Q1 Enforcement Status Report
   C. FY 2023 – Q1 Complaint Dismissal Report
7. 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.
8. Rulemaking –
   A. Consideration and possible adoption of the following proposed rules:

      Proposed by LPC Full Board September 9, 2022. BHEC reviewed proposal for adoption on October 25, 2022. Published to Texas Register on December 16, 2022.

      i. New 681.140, the board will also review and may take action with regards to the Office of the Governor, Regulatory Compliance Division's review of this proposed rule.
      ii. Repeal of 681.141, 681.142, 681.143, and 681.145; and
      iii. Amended 681.147

   B. Review and consideration of the following proposed/amended rule changes:
      i. New 681.35 Informed Consent
      ii. New 681.36 Client Records
      iii. New 681.37 Billing and Financial Arrangements
      iv. New 681.38 Conflicts, Boundaries, Dual Relationships, and Termination of Relationships
      v. Amended 681.41 General Ethical Requirements
      vi. Amended 681.52 Parenting Facilitation
      vii. Amended 681.205 Schedule of Sanctions

The Board will hear public comment on these proposed rules prior to any discussion or vote. Comments are limited to three (3) minutes per person, unless otherwise directed by the presiding officer.

9. Discussion and possible action concerning Committee Reports.

    A. Rules Committee – (Hallbauer)

10. 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.

11. 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.

12. General 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 take action on any matter raised during public comment, except to decide whether to place the matter on the agenda of a future meeting. Limited public comment related to rulemaking may be allowed by the Presiding Member, in his or her sole discretion, prior to the Council taking up any rulemaking topics on the agenda.

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

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

    Christian Counselors of Texas Conference – February 16th – 18th
    TACES Conference – March 2nd – 3rd

15. Adjournment

Addendum: Additional Videoconference and Telephone Conference Call Information

When: Jan 20, 2023 09:00 AM Central Time (US and Canada)
Topic: Texas State Board of Examiners of Professional Counselors January 20, 2023 Full Board Meeting

Please click the link to join the webinar: https://us02web.zoom.us/j/81861881735
Webinar ID: 818 6188 1735

Or One tap mobile:
US: +13462487799,,81861881735# or +12532050468,,81861881735#
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Dial(for higher quality, dial a number based on your current location):
US: +1 346 248 7799 or +1 253 205 0468 or +1 253 215 8782 or +1 669 444 9171 or +1 669 900 9128 or +1 719 359 4580 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799
International numbers available: https://us02web.zoom.us/u/kbhuYbBtYL

COMPLAINT NO. 2022-00363

IN THE MATTER OF	§	**BEFORE THE TEXAS BEHAVIORAL**
	§	**HEALTH EXECUTIVE COUNCIL**
	§	
	§	**THE TEXAS STATE BOARD**
	§	**OF EXAMINERS OF**
BROOKE PICKETT	§	**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(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 Council, which have been approved and accepted by **BROOKE PICKETT** ("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 (#64861) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.

2. Respondent pled guilty to a felony, possession of child pornography.

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 is subject to the sanctions found in 22 Tex. Admin. Code § 882.42(a), as well as Section 53.021(b)-(d) of the Texas Occupations Code.

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 (#64861) in lieu of further adjudication by the Council on these matters.

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

3. 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.

4. 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:

Brooke Pickett
Licensed Professional Counselor
License Number 64861

DATE SIGNED: 09/08/22

FOR THE STAFF OF THE COUNCIL:

Kenneth Long
Texas Bar No. 24078877
Staff Attorney
Texas Behavioral Health Executive Council
1801 Congress Ave., Ste. 7.300
Austin, Texas 78701

DATE SIGNED: 9/8/2022

APPROVED, RATIFIED, AND ENTERED THIS 8th DAY OF September, 2022

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NOS. 2022-00400, 2022-00407, and 2022-00422

IN THE MATTER OF	§	**BEFORE THE TEXAS BEHAVIORAL**
	§	**HEALTH EXECUTIVE COUNCIL**
	§	
	§	**THE TEXAS STATE BOARD**
	§	**OF EXAMINERS OF**
BRYAN SMITH	§	**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(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 Council, which have been approved and accepted by **Bryan Smith** ("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 (#86539) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.

2. Respondent engaged in sexual misconduct with clients during their therapeutic relationships.

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 and 22 TAC §681.42.

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, by signing this Agreed Order, hereby voluntarily and permanently **RESIGNS** his or her license (#86539) in lieu of further adjudication by the Council on these matters.

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

3. 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.

4. 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:

Bryan Smith
Professional Counselor - Associate
#86539

DATE SIGNED: 10/31/22

FOR THE STAFF OF THE COUNCIL:

Victoria Benitez
Texas Bar No. 0234350
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 10/31/22

APPROVED, RATIFIED, AND ENTERED THIS 1st DAY OF November, 2022.

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 2022-00353 and 2022-00357

IN THE MATTER OF	§	**BEFORE THE TEXAS BEHAVIORAL**
	§	**HEALTH EXECUTIVE COUNCIL**
	§	
	§	**THE TEXAS STATE BOARD**
	§	**OF EXAMINERS OF**
DALE ROSS	§	**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(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 Council, which have been approved and accepted by **DALE ROSS** ("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 Licensed Professional Counselor – Associate (#85200) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.

2. Beginning in March 2022 and ending in April 2022, Respondent had a sexual affair with a current 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 22 Tex. Admin. Code §§ 681.41(l), 681.41(m), and 681.42(a),(b),(c), (d), and (e).

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 (#85200) in lieu of further adjudication by the Council on these matters.

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

3. 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.

4. 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:

Dale Ross

Dale Ross
Licensed Professional Counselor - Associate
License No. 85200

DATE SIGNED: 09/16/2022

FOR THE STAFF OF THE COUNCIL:

Kenneth Long
Texas Bar No. 24078877
Staff Attorney
Texas Behavioral Health Executive Council
1801 Congress Ave., Ste. 7.300
Austin, TX 78701

DATE SIGNED: 9/16/2022

APPROVED, RATIFIED, AND ENTERED THIS 16th DAY OF September, 2022.

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

T.B.H.E.C.
2022 SEP 12 PM 2:16

COMPLAINT NO. 2022-00495

IN THE MATTER OF	§	BEFORE THE TEXAS BEHAVIORAL
	§	HEALTH EXECUTIVE COUNCIL
	§	
	§	THE TEXAS STATE BOARD
	§	OF EXAMINERS OF
JASON NEIL HUGHES	§	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 **JASON NEIL HUGHES** ("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 (#64064) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.

2. Respondent was convicted of Medicare Fraud on April 2, 2022.

3. Respondent failed to inform the Council of his conviction..

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 §882.36(9) pertaining to Compliance with State and Federal Law, 22 TAC §882.42(a) and (d), and Rules 22 TAC §882.32(a) pertaining to Reportable Legal Action and Discipline.

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:

7. Respondent, by signing this Agreed Order, hereby voluntarily and permanently **RESIGNS** his or her license (#64064) in lieu of further adjudication by the Council on these matters.

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

9. 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.

10. 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:

Jason Neil Huges
1009 Village Green Ct.
Forney, TX 76012

DATE SIGNED: 9-4-22

FOR THE STAFF OF THE COUNCIL:

Victoria Benitez
Texas Bar No. 02134350
Staff Attorney
Texas Behavioral Health Executive Council
1801 Congress, Ste. 7.300
Austin, Texas 78701

DATE SIGNED: 9-13-22

APPROVED, RATIFIED, AND ENTERED THIS 15th DAY OF September, 2022.

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NOS. 2022-00027 and 2022-00192

IN THE MATTER OF	§	BEFORE THE TEXAS BEHAVIORAL
	§	HEALTH EXECUTIVE COUNCIL
	§	
	§	THE TEXAS STATE BOARD
	§	OF EXAMINERS OF
JORDAN DAVIS	§	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(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 Council, which have been approved and accepted by **JORDAN DAVIS** ("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 (#66808) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.

2. Respondent kept confidential client information on an electronic system where it could be accessed by counselors and other employees working under Respondent.

3. One of Respondent's LPC-Associates provided counseling to one of Respondent's family members. Respondent improperly read documents contained within this family member's file.

4. Respondent hired and supervised a previous client less than two years after Respondent's therapeutic relationship with this client ended.

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 22 Tex. Admin. Code §§ 681.41(m), 681.41(u), and 681.45(a)-(c). Further, Respondent is liable for the breaches of his LPC-Associates under 22 Tex. Admin. Code § 681.93(b).

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent's license is SUSPENDED for a period of three (3) years from the effective date of this order. However, the three (3) years of suspension shall be PROBATED, so long as Respondent complies with all state and federal statutes and regulations pertaining to the practice of professional counseling. Although the probated suspension ordered herein will result in Respondent's license being restricted, should Respondent desire to prevent his license from going delinquent and expiring, 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.

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 $4,000.00; of which $3,500.00 represents administrative costs and $500.00 represents administrative penalty.

3. Respondent, within sixty (60) days of the date this order is ratified, shall complete and submit proof of completion of nine (9) hours of professional development, which shall include the following: three (3) hours of professional development relating to general ethics, three (3) hours of professional development relating to professional boundaries, and three (3) hours of professional development relating to confidentiality. 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 three (3) years from the date this order is ratified whenever Respondent provides professional counseling services. 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 licensed professional counselor who has agreed to serve as a practice monitor. The practice monitor shall (1) be a Texas-licensed professional counselor – supervisor, 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 week. 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 indicates 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.

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 week 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. Pursuant to Rule §681.93(h), Respondent's status as a supervisor is hereby revoked. Once the terms of this order have been completed Respondent may then reapply for supervisor status. Respondent must meet all applicable licensure rules and requirements at the time of reapplication for supervisor status, the fact that Respondent previously held supervisor status does not guarantee Respondent's future application will be approved.

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:

Jordan Davis
Licensed Professional Counselor
License No. 66808

DATE SIGNED: 11/2/22

FOR THE STAFF OF THE COUNCIL:

Kenneth Long
Texas Bar No. 24078877
Staff Attorney
Texas Behavioral Health Executive Council
1801 Congress Ave., Ste. 7.300
Austin, TX 78701

DATE SIGNED: 11/3/2022

APPROVED, RATIFIED, AND ENTERED THIS 3rd DAY OF November, 2022.

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 2022-00104

IN THE MATTER OF	§	**BEFORE THE TEXAS BEHAVIORAL**
	§	**HEALTH EXECUTIVE COUNCIL**
	§	
	§	**THE TEXAS STATE BOARD**
	§	**OF EXAMINERS OF**
KELLY MARTIN	§	**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(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 Council, which have been approved and accepted by **KELLY MARTIN** ("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 Licensed Professional Counselor - Associate (#84686) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.

2. Respondent failed to list the name of her Licensed Professional Counselor – Supervisor in the level of care assessment documentation pertaining to her client in the present matter.

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 constitutes grounds for the imposition of sanctions under §§503.401(a)(1), 507.301(a)(2), 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 §681.91(m).

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent's license is hereby REPRIMANDED.

2. Respondent, within thirty (30) days of the date this order is ratified, shall complete and submit proof of completion of six (6) hours of professional development. Three (3) of these hours shall relate to record keeping, and three (3) of these hours shall relate to general ethical requirements. This professional development is in addition to the professional development hours required for license renewal. Respondent will pay all costs of the coursework.

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:

LPCA

Kelly Martin
Licensed Professional Counselor - Associate
License Number 84686
Supervised by
Angelo Abbello LPC-S

DATE SIGNED: 9/14/22

FOR THE STAFF OF THE COUNCIL:

Kenneth Long
Texas Bar No. 24078877
Staff Attorney
Texas Behavioral Health Executive Council
1801 Congress Ave., Ste. 7.300
Austin, TX 78701

DATE SIGNED: 9/15/2022

APPROVED, RATIFIED, AND ENTERED THIS 15th DAY OF September, 2022.

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 2021-00076

IN THE MATTER OF	§	BEFORE THE TEXAS BEHAVIORAL
	§	HEALTH EXECUTIVE COUNCIL
	§	
	§	THE TEXAS STATE BOARD
	§	OF PROFESSIONAL COUNSELORS
KRYSTIN LOPER	§	

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(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 Council, which have been approved and accepted by **KRYSTIN LOPER**("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 (#78042) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.

2. Respondent failed to obtain informed consent from the parent of a minor.

3. Respondent failed to obtain copies of court orders before counseling a minor.

4. Respondent failed to keep required notes regarding client sessions.

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 (e), (q), and (v) pertaining to General Ethical Requirements.

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, within thirty (30) days of the date this order is ratified, shall complete and submit proof of completion of three (3) hours of professional development relating to informed consent and three (3) hours of professional development relating to ethics and parental rights. This professional development is in addition to the professional development hours required for license renewal. Respondent will pay all costs of the coursework.

2. Respondent's license is hereby REPRIMANDED.

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:

Krystin Loper
Licensed Professional Counselor
License #78042

DATE SIGNED: Sept. 19, 2022

FOR THE STAFF OF THE COUNCIL:

Victoria Benitez
Texas Bar No. 02134350
Staff Attorney
Texas Behavioral Health Executive Council
1801 Congress, Ste. 7.300
Austin, Texas 78701

DATE SIGNED: Oct 3, 2022

APPROVED, RATIFIED, AND ENTERED THIS 5th DAY OF October, 2022

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 1061-19-0048

IN THE MATTER OF	§	**BEFORE THE TEXAS BEHAVIORAL**
	§	**HEALTH EXECUTIVE COUNCIL**
	§	
	§	**THE TEXAS STATE BOARD**
	§	**OF EXAMINERS OF**
KIMBERLY PETERSON	§	**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(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 Council, which have been approved and accepted by **KIMBERLY PETERSON** ("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 Licensed Professional Counselor - Supervisor (#63953) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.

2. Respondent billed clients for counseling services that Respondent failed to provide.

3. Respondent failed to complete documentation and session notes for clients.

4. Respondent accepted payment for counseling services that Respondent failed to provide.

5. Respondent failed to provide records requested by clients.

6. Respondent failed to provide requested information to the Texas State Board of Examiners of Professional Counselors.

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, 22 TAC §681.46, and 22 TAC §884.30.

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 SUSPENDED for a period of seven (7) years from the effective date of this order. However, the suspension shall be PROBATED, so long as Respondent complies with all state and federal statutes and regulations pertaining to the practice of Professional Counseling. 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.

2. During the period of probated suspension, Respondent shall be required to practice under the supervision of a practice monitor for a period of seven (7) years. Respondent shall, within twenty (20) days of the date the probated suspension begins, submit to the Council or its designee for approval the name and qualifications of a Licensed Professional Counselor Supervisor who has agreed to serve as a practice monitor. The practice monitor shall (1) be a Texas Licensed Professional Counselor Supervisor 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 week. 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 indicates 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.

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 week 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 a safe and competent manner. During any period of suspension, non-practice, or non-supervision by a practice monitor, the seven (7) year practice

monitoring time period shall be tolled and shall not apply to the reduction of this required seven (7) 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 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 $5,000; of which $4,500 represents administrative costs and $500.00 represents administrative penalty.

4. Respondent, within thirty (30) days of the date this order is ratified, shall complete and submit proof of completion of six (6) hours of professional development relating to record-keeping and six (6) hours of professional development relating to requests for records. This professional development is in addition to the professional development hours required for license renewal. Respondent will pay all costs of the coursework.

5. Pursuant to Rule §681.93(h) Respondent's status as a supervisor is hereby revoked. Once the terms of this order have been completed Respondent may then reapply for supervisor status. Respondent must meet all applicable licensure rules and requirements at the time of reapplication for supervisor status, the fact that Respondent previously held supervisor status does not guarantee Respondent's future application will be approved.

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:

Kimberly Peterson, MA, LPC

Kimberly Peterson
Licensed Professional Counselor-S
#63953
Represented by Dan Lype,
Leichter Law Firm PC
1602 E. 7th St.
Austin, Texas 78702

DATE SIGNED: 10-13-2022

FOR THE STAFF OF THE COUNCIL:

Victoria Benitez

Victoria Benitez
Texas Bar No. 234350
Staff Attorney
Texas Behavioral Health Executive Council
1801 Congress, Ste. 7.300
Austin, Texas 78701

DATE SIGNED: 10-17-2022

APPROVED, RATIFIED, AND ENTERED THIS 17th DAY OF October, 2022.

Darrel Spinks

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 2022-00240

IN THE MATTER OF	§	**BEFORE THE TEXAS BEHAVIORAL**
	§	**HEALTH EXECUTIVE COUNCIL**
	§	
	§	**THE TEXAS STATE BOARD**
	§	**OF PROFESSIONAL COUNSELORS**
PHILLIP J. DEW	§	

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(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 Council, which have been approved and accepted by **PHILLIP J. DEW** ("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 (#71786) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.

2. Respondent had a non-therapeutic relationship with a client from 2015 to March 8th, 2022.

3. He rented a room in his residence to the client from August 2015 to July 2016 while continuing to provide counseling services to the 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 (m), and (l) pertaining to General Ethical Requirements.

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 SUSPENDED for a period of three (3) years from the effective date of this order. However, the three (3) years of suspension shall be PROBATED, so long as Respondent complies with all state and federal statutes and regulations pertaining to the practice of Professional Counseling. Although the 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. Respondent's license shall remain on restricted status until all terms of this order have been satisfactorily completed.

2. Respondent shall be required to practice under the supervision of a practice monitor for a period of 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 a Licensed Professional Counselor who has agreed to serve as a practice monitor. The practice monitor shall (1) be a Texas-licensed Licensed Professional Counselor 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 or live, on-line meetings every week. 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 Licensed Professional Counseling but makes recommendations concerning reasonable steps Respondent must or should take to enhance or maintain Respondent's fitness to practice Licensed Professional Counseling, Respondent shall comply with any and all reasonable 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 appropriate 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.

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 week 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 Licensed 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.

3. Respondent is assessed and shall pay, within sixty (60) days of the date this order is ratified, an administrative penalty in the total amount of $4,000.00; of which $500.00 represents administrative penalty and $3,500.00 represents administrative costs.

4. Respondent is prohibited from contacting or counseling the client who is the subject of this self-reported complaint.

5. Pursuant to Rule §681.93(h) Respondent's status as a supervisor is hereby revoked. Once the terms of this order have been completed Respondent may then reapply for supervisor status. Respondent must meet all applicable licensure rules and requirements at the time of reapplication for supervisor status, the fact that Respondent previously held supervisor status does not guarantee Respondent's future application will be approved.

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:

Phillip J. Dew
Licensed Professional Counselor
#71786, represented by
Laurel Clement, Attorney
450 Century Parkway, Ste. 250
Allen, Texas 75013

DATE SIGNED:_____

lclement, atty.
signed 10.27.22
Laurel Arnold Clement

FOR THE STAFF OF THE COUNCIL:

Victoria Benitez
Texas Bar No. 02134350
Staff Attorney
Texas Behavioral Health Executive Council
1801 Congress, Ste. 7.300
Austin, Texas 78701

DATE SIGNED: 10-31-22

APPROVED, RATIFIED, AND ENTERED THIS 1st DAY OF November, 2022.

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 2022-00018

IN THE MATTER OF	§	**BEFORE THE TEXAS BEHAVIORAL**
	§	**HEALTH EXECUTIVE COUNCIL**
	§	
	§	**THE TEXAS STATE BOARD**
	§	**OF EXAMINERS OF**
MARISA TREVINO	§	**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(c), 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 Council, which have been approved and accepted by **MARISA TREVINO** ("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 Licensed Professional Counselor – Associate (#83815) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.

2. Throughout 2020 and 2021, Respondent had conversations with an incarcerated person (the "Inmate") for whom she had provided therapeutic services. These conversations were numerous and sexual in nature.

3. Respondent wrote several letters to the Inmate, expressing her love and future plans for when he would be released from confinement.

4. During her conversations with the Inmate, Respondent revealed confidential information about several other detainees for whom Respondent had provided therapeutic services.

5. Respondent had reason to know that a coworker, who was also a mental health services provider, was having a relationship with an inmate at the Texas Juvenile Justice Department. Respondent failed to report the relationship to the proper authorities.

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 22 Tex. Admin. Code §§ 681.41(l), 681.41(m), 681.42(b), 681.42(e), 681.45(a)-(c), and 681.45(d).

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 (#83815) in lieu of further adjudication by the Council on these matters.

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

3. 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.

4. 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:

Marisa Trevino
LPC Associate
License No. 83815

DATE SIGNED: 9/30/2022

FOR THE STAFF OF THE COUNCIL:

Kenneth Long
Texas Bar No. 24078877
Staff Attorney
Texas Behavioral Health Executive Council
1801 Congress Ave., Ste. 7.300
Austin, TX 78701

DATE SIGNED: 10/3/2022

APPROVED, RATIFIED, AND ENTERED THIS 5th DAY OF October, 2022.

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

ISC Panel Decision Form

Case #: 2022-00018 Marisa Trevino

Respondent: MARISA TREVINO

Date of ISC: 9/30/2022

Time Began: 10:00 a.m. Time Ended: 11:30 a.m.

Panel Members: STUBBLEFIELD, LONG, PARKER

Witnesses/Legal Representative for Respondent: None

Witnesses/Legal Representative for Complainant: None

Recommendation of Panel:

REVOCATION; 10-YEAR BAN ON REAPPLICATION FOR ANY NEW LICENSE WITH THE COUNCIL

ISC Member Signatures:

/s/ Kenneth Long

/s/ Janie Stubblefield (with permission)

_____

1st QUARTER PERFORMANCE MEASURES

FISCAL YEAR 2023

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

by

Texas Behavioral Health Executive Council

December 20, 2022

Executive Director

12/20/2022
Date

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

Type/Strategy/Measure	2023 Target	2023 Actual	2023 YTD	Percent of Annual Target	Target Range
Output Measures					
1-1-1 LICENSING					
1 # NEW LICENSEES ISSUED					
Quarter 1	7,800.00	2,404.00	2,404.00	30.82 % *	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. These projections were 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 23, the agency exceeded its target by issuing 2,404 for the quarter.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The number of new licenses issued each quarter continue to average around 2,400 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 has requested this target be increased to 9,300 in its FY24-FY25 LAR.

2 # LICENSE RENEWALS

* Varies by 5% or more from target.

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

Type/Strategy/Measure	2023 Target	2023 Actual	2023 YTD	Percent of Annual Target	Target Range
Output Measures					
2 # LICENSE RENEWALS					
Quarter 1	44,000.00	7,213.00	7,213.00	16.39 % *	8,800.00 - 13,200.00

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. These projections were 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 44,000 licenses per fiscal year, or 11,000 per quarter. During the first quarter of FY 23, the agency fell short of its target, renewing 7,213 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 the licensee is under audit or the agency hasn't received the licensee's 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 has requested this target be lowered to 29,000 in its FY24-FY25 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	2023 Target	2023 Actual	2023 YTD	Percent of Annual Target	Target Range
Output Measures					
1 COMPLAINTS RESOLVED					
Quarter 1	1,200.00	209.00	209.00	17.42 % *	240.00 - 360.00

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. These projections were 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 1,200 complaints per fiscal year, or 300 per quarter. During the first quarter of FY 23, the agency fell short of its target by resolving 209 complaints.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

At the beginning of FY 21, the agency inherited over 1,300 pending complaints. Due to the dedication and efficiency of the enforcement and legal staff, the pending complaints at the end of the first quarter of FY 23 is down to 413. Additionally, the agency is projecting to receive around 600 complaints this year. The Council has requested this target be lowered to 400 in its FY24-FY25 LAR.

2 COMPLAINTS PENDING

* Varies by 5% or more from target.

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

Type/Strategy/Measure	2023 Target	2023 Actual	2023 YTD	Percent of Annual Target	Target Range
Output Measures					
2 COMPLAINTS PENDING					
Quarter 1	800.00	413.00	413.00	51.63 % *	760.00 - 840.00

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. These projections were 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 800 complaints pending during FY 2023. During the first quarter of FY 23, the agency bested this measure by only having 413 complaints pending.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The number of complaints pending at the beginning of FY 21 was over 1,300. This number has now decreased to 413 due to the dedication and efficiency of the enforcement and legal staff. Additionally, the agency is projecting to only receive around 600 complaints this year. Due to these two factors, the Council believes that its initial projection of 800 complaints pending is too high for FY23, and has requested this target be lowered to 500 in its FY24-FY25 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	2023 Target	2023 Actual	2023 YTD	Percent of Annual Target	Target Range
Efficiency Measures					
1 AVG TIME TO PROCESS APP (DAYS)					
Quarter 1	50.00	37.37	37.37	74.74 % *	47.50 - 52.50

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. These projections were 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 50 days. In the first quarter of FY 23, the agency bested this measure by having an average license issuance time of only 38 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for license issuance for FY 22 was 46 days. This number has now decreased to 38 days, due to the dedication and efficiency of the licensing staff. The Council believes that this target will continue to be met or beat assuming the Council is able to maintain full or close-to-full staffing levels. The Council has requested this target be increased to 55 days in its FY24-FY25 LAR based upon baseline funding.

2-1-1 ENFORCEMENT

1 AVG TIME/COMPLAINT RESOLUTION

* Varies by 5% or more from target.

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

Type/Strategy/Measure	2023 Target	2023 Actual	2023 YTD	Percent of Annual Target	Target Range
Efficiency Measures					
1 AVG TIME/COMPLAINT RESOLUTION					
Quarter 1	700.00	288.42	288.42	41.20 % *	665.00 - 735.00

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. These projections were 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 processing time for complaints would be 700 days. In the first quarter of FY 23, the agency bested this measure by having an average processing resolution time of 289 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for complaint resolution for FY 22 was 581 days. This number has now decreased to 289 days, due to the dedication and efficiency of the enforcement and legal staff. The Council believes that this target will continue to be met or beat assuming the Council is able to maintain full or close-to-full staffing levels. The Council has requested this target be lowered to 625 in its FY24-FY25 LAR.

* Varies by 5% or more from target.

TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL
1st QUARTER MEASURES
FY 2023

Number of Licenses Renewed (from ald12)

LSSP	464
LIC	624
LPA	101
LPC	2633
MFTA	76
MFT	349
LBSW	423
LMSW	1162
LCSW	1358
AP	23
Total	7213

Number of Licenses Issued (from ald11 and BO)

LPA	10
PLP	108
LIC	107
LSSP	32
LPCA	571
LPC	115
LPC Upgrade	389
MFTA	70
MFT	49
MFT Upgrade	48
LBSW	35
LMSW	495
LCSW	118
LMSW Upgrade	25
LCSW Upgrade	227
TEMP SW	5
Total	2404

TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL
1st QUARTER MEASURES
FY 2023

Number of Complaints Resolved (from BO report)

LP/LPA	35
LSSP	2
LPC	116
MFT	12
SW	44
Total	209

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

1st Qtr	125/209 =	60%
2nd Qtr		
3rd Qtr		
4th Qtr		
YTD	125/209 =	60%

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

1st Qtr	25/209 =	12%
2nd Qtr		
3rd Qtr		
4th Qtr		
YTD	25/209 =	12%

Average Time for Complaint Resolution (from BO report)

1st Qtr	60,278 days to resolve 209 complaints = 288.42 days
2nd Qtr	
3rd Qtr	
4th Qtr	
YTD	60,278 days to resolve 209 complaints = 288.42 days

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

1st Qtr	86,169 days to process 2,306 applications =	37.37 days
2nd Qtr		
3rd Qtr		
4th Qtr		
YTD	86,169 days to process 2,306 applications =	37.37 days

Calculations reviewed by: _____

Date: _____

LPA Initial	**658 days to process 19 applications =**	**34.64**
LPA Final	2771 days to process 10 applications =	277.10
LIC Initial	**5174 days to process 108 applications =**	**47.91**
LIC Final	19961 days to process 107 applications =	186.56
LSSP	**1531 days to process 32 applications =**	**47.85**
LPC Initial	**9222 days to process 115 applications =**	**80.20**
LPCA Initial	**22097 days to process 571 applications =**	**38.70**
LPC Upgrade	**2449 days to process 389 applications =**	**6.30**
MFT License	**3224 days to process 49 applications =**	**65.80**
MFTA License	**9045 days to process 70 applications =**	**129.22**
MFTA Upgrade	**616 days to process 48 applications =**	**12.84**
SW License	**12617 days to process 478 applications =**	**26.40**
SW OOS License	**10846 days to process 170 applications =**	**63.80**
SW Upgrade	**8580 days to process 252 applications =**	**34.05**
Temp SW License	**110 days to process 5 applications =**	**22.00**

- **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 2023

Number of Jurisdictional Complaints Received (from BO report)		156
Number of Complaints Pending (from BO report)		413
Closed	9	
Investigation Completed	72	
Under Investigation	332	

Percent of Licensees With No Recent Violations

Total	*295 disciplinary actions*
Less duplicates	*-58 duplicates*
Total unduplicated	*237 disciplinary actions*

Number of individuals (unduplicated) licensed as of 8/31/2021: 74,233

74,233 - 237 = 73,996

73,996/74,233 = 99.68%

Recidivism Rate

Individuals with disciplinary actions FY 19 – FY 21	*237*
Individuals with 2 or more disciplinary actions	*14*

14/237 = 5.91%

Calculation Reviewed by: _____

Date: _____

1st Quarter **STATUS REPORT**	**1Q FY23** **Sep 1, 2022** **to** **Nov 30, 2022**	4Q FY22 June 1, 2022 to Aug 31, 2022	3Q FY22 Mar 1, 2022 to May 31, 2022	2Q FY22 Dec 1, 2021 to Feb 28, 2022
Number of Pending Complaints	**413**	467	532	594
Pending Complaints per Member Board	**TSBEPC-145** **TSBSWE-171** **TSBEMFT-25** **TSBEP-72**	TSBEPC-188 TSBSWE-169 TSBEMFT-30 TSBEP-80	TSBEPC-235 TSBSWE-181 TSBEMFT-43 TSBEP-73	TSBEPC-291 TSBSWE-171 TSBEMFT-54 TSBEP-78
Number of New Complaints Received	**157**	159	164	105
Pending Priority 1 Cases (Imminent Physical Harm)	**2** **TSBEPC-1** **TSBSWE-1** **TSBEMFT-0** **TSBEP-0**	1 TSBEPC-1 TSBSWE-0 TSBEMFT-0 TSBEP-0	1 TSBEPC-0 TSBSWE-1 TSBEMFT-0 TSBEP-0	4 TSBEPC-2 TSBSWE-1 TSBEMFT-1 TSBEP-0
Pending Priority 2 Cases (Sexual Misconduct)	**36** **TSBEPC-15** **TSBSWE-14** **TSBEMFT-3** **TSBEP-4**	59 TSBEPC-33 TSBSWE-19 TSBEMFT-4 TSBEP-3	57 TSBEPC-28 TSBSWE-26 TSBEMFT-0 TSBEP-3	52 TSBEPC-25 TSBSWE-24 TSBEMFT-1 TSBEP-3
Pending Priority 3 Cases (Applicants)	**11** **TSBEPC-2** **TSBSWE-7** **TSBEMFT-1** **TSBEP-1**	19 TSBEPC-7 TSBSWE-10 TSBEMFT-1 TSBEP-1	12 TSBEPC-4 TSBSWE-8 TSBEMFT-0 TSBEP-0	15 TSBEPC-4 TSBSWE-8 TSBEMFT-1 TSBEP-2
Cases Resolved this Quarter	**211**	226	226	88
Agreed Orders Signed	**25**	19	25	9
Cases Dismissed by Staff	**186**	207	201	79
Cases Dismissed by member Boards	**0**	0	0	0
Cases Reviewed at an ISC this Quarter	**32**	16	17	3
Pending Cases by Fiscal Year				
FY2015	**0**	0	1	1
FY2016	**0**	3	3	3
FY2017	**3**	4	4	8
FY2018	**0**	0	2	6
FY2019	**2**	3	14	35
FY2020	**26**	44	82	167
FY2021	**63**	80	111	153
FY2022	**183**	333	315	221
FY2023	**136**			
Total	**413**	467	532	594

1st Quarter Dismissals for TSBEPC Board

Complaints Dismissed by Staff	Classification	Reason for Dismissal
1. 2022-00166	Standard of Care	Warning Letter
2. 2022-00381	Sexual Misconduct	Insufficient Evidence
3. 2022-00156	Standard of Care	Warning Letter
4. 1061-20-0063	Confidentiality	Warning Letter
5. 1061-20-0123	Standard of Care	Warning Letter
6. 2022-00161	Failure to Report	Warning Letter
7. 2022-00339	Unprofessional Conduct	Insufficient Evidence
8. 2022-00261	General Forensic	Insufficient Evidence
9. 2022-00472	Sexual Misconduct	Untimely
10. 2022-00414	Sexual Misconduct	Lack of Jurisdiction
11. 2022-00434	Sexual Misconduct	Untimely
12. 2022-00530	Sexual Misconduct	Insufficient Evidence
13. 2022-00480	Sexual Misconduct	Untimely
14. 2022-00490	Sexual Misconduct	Lack of Jurisdiction
15. 2022-00561	Sexual Misconduct	Lack of Jurisdiction
16. 2022-00054	Sexual Misconduct	Insufficient Evidence
17. 2022-00460	Sexual Misconduct	Insufficient Evidence
18. 2022-00454	Sexual Misconduct	Lack of Jurisdiction
19. 1061-20-0012	Falsification of Official Documents	Insufficient Evidence
20. 2022-00479	Confidentiality	Insufficient Evidence
21. 2022-00406	Not Related to Licensed Activity	Lack of Jurisdiction
22. 2022-00403	Standard of Care	Insufficient Evidence
23. 2022-00360	Billing Dispute	Insufficient Evidence
24. 2022-00451	Child Custody	Insufficient Evidence
25. 2022-00347	Record Keeping	Lack of Jurisdiction
26. 2022-00262	Dual Relationship	Lack of Jurisdiction
27. 2021-00425	Standard of Care	Insufficient Evidence
28. 2022-00387	Standard of Care	Insufficient Evidence
29. 2022-00435	Standard of Care	Insufficient Evidence
30. 2022-00439	Unprofessional Conduct	Lack of Jurisdiction
31. 2023-00031	Dual Relationship	Previously Addressed
32. 2023-00014	Not Related to Licensed Activity	Lack of Jurisdiction
33. 2022-00478	Failure to Report	Insufficient Evidence
34. 2022-00045	Record Keeping	Insufficient Evidence
35. 2022-00376	Unlicensed Person	Insufficient Evidence
36. 2022-00133	Standard of Care	Insufficient Evidence
37. 2022-00398	Dual Relationship	Insufficient Evidence
38. 2022-00503	Unprofessional Conduct	Lack of Jurisdiction
39. 2022-00500	Unlicensed Person	Lack of Jurisdiction

40. 2022-00345	Unprofessional Conduct	Insufficient Evidence
41. 2022-00566	Unprofessional Conduct	Lack of Jurisdiction
42. 2022-00572	Unlicensed Person	Insufficient Evidence
43. 2022-00573	Unlicensed Person	Lack of Jurisdiction
44. 2022-00559	Billing Dispute	Insufficient Evidence
45. 2022-00560	Billing Dispute	Insufficient Evidence
46. 2022-00487	Falsification of Official Documents	Insufficient Evidence
47. 2022-00309	Dual Relationship	Insufficient Evidence
48. 2022-00533	Not Related to Licensed Activity	Lack of Jurisdiction
49. 2022-00513	Unprofessional Conduct	Insufficient Evidence
50. 2022-00484	Standard of Care	Insufficient Evidence
51. 2022-00510	Unprofessional Conduct	Insufficient Evidence
52. 2022-00463	Unlicensed Person	Corrective Action Taken
53. 2022-00226	Unauthorized Activity	Insufficient Evidence
54. 2022-00358	Standard of Care	Insufficient Evidence
55. 2022-00575	Unlicensed Person	Lack of Jurisdiction
56. 2022-00441	Child Custody	Insufficient Evidence
57. 2022-00488	Standard of Care	Insufficient Evidence
58. 2022-00365	Unprofessional Conduct	Insufficient Evidence
59. 2022-00341	Not Related to Licensed Activity	Insufficient Evidence
60. 2021-00423	Child Custody	Insufficient Evidence
61. 2022-00518	Standard of Care	Lack of Jurisdiction
62. 2022-00328	Child Custody	Insufficient Evidence
63. 2022-00568	Not Related to Licensed Activity	Lack of Jurisdiction
64. 2022-00576	Dual Relationship	Lack of Jurisdiction
65. 2022-00097	Standard of Care	Warning Letter
66. 2022-00416	Sexual Misconduct	Insufficient Evidence
67. 1072-20-0071	Sexual Misconduct	Insufficient Evidence
68. 2022-00428	Dual Relationship	Insufficient Evidence
69. 2022-00356	Child Custody	Insufficient Evidence
70. 2023-00016	Standard of Care	Insufficient Evidence
71. 2023-00053	Court Ordered Therapy	Insufficient Evidence
72. 2022-00392	Court Ordered Therapy	Conditional Precedent Not Met
73. 2022-00443	Dual Relationship	Insufficient Evidence
74. 2022-00075	Unprofessional Conduct	Insufficient Evidence
75. 2022-00452	Dual Relationship	Insufficient Evidence
76. 2023-00067	Fraud	Insufficient Evidence
77. 2023-00079	Sexual Misconduct	Lack of Jurisdiction
78. 2023-00075	Standard of Care	Insufficient Evidence
79. 2023-00070	Billing Dispute	Insufficient Evidence
80. 2023-00030	Unprofessional Conduct	Insufficient Evidence
81. 2022-00401	Record Keeping	Warning Letter
82. 2022-00224	Record Keeping	Warning Letter
83. 2022-00390	Not Related to Licensed Activity	Insufficient Evidence

84. 2022-00421	Record Keeping	Insufficient Evidence
85. 2022-00417	Record Keeping	Insufficient Evidence
86. 2022-00418	Record Keeping	Insufficient Evidence
87. 2022-00132	Unauthorized Activity	Insufficient Evidence
88. 2022-00491	Standard of Care	Insufficient Evidence
89. 2021-00324	Sexual Misconduct	Insufficient Evidence
90. 2022-00543	Standard of Care	Conditional Precedent Not Met
91. 2022-00549	Unlicensed Person	Insufficient Evidence
92. 2022-00375	Standard of Care	Insufficient Evidence
93. 2022-00335	Court Ordered Therapy	Insufficient Evidence
94. 2022-00527	Standard of Care	Warning Letter
95. 2022-00404	Failure to Report	Warning Letter
96. 2022-00420	Record Keeping	Warning Letter
97. 2022-00114	Sexual Misconduct	Warning Letter
98. 2022-00238	Failure to Report	Insufficient Evidence
99. 2022-00239	Failure to Report	Insufficient Evidence

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 be required to complete six hours in supervision, but these hours will count towards the minimum required hours instead of in addition to the required hours; licensees may carry up to 10 unclaimed continuing education hours of from one renewal period to the next; 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) A licensee must successfully complete the Texas jurisprudence examination each renewal period. Licensees who pass the Texas jurisprudence examination may claim 1 hour of continuing education in ethics.

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

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

(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 unless allowed under subsection (a)(2) of this section, 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) of this section, 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; and

(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;

(6) a licensee with supervisor status;

(7) a hospital or hospital system, including any clinic, division, or department within a hospital or hospital system; or

(8) 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) Notwithstanding subsection (f) of this section, licensees may claim continuing education credit for each of the following activities:

(1) 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.

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

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

(4) Self-study. The maximum number of hours that may be claimed for this activity is 1 hour. Self-study is credit that is obtained from any type of activity that is performed by an individual licensee acting alone. Such activities include, but are not limited to, reading materials directly related to the practice of professional counseling. Time spent individually viewing or listening to audio, video, digital, or print media as part of an organized continuing education activity, program, or offering from a third-party is not

subject to this self-study limitation and may count as acceptable education under other parts of this rule.

(5) 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.

(k) Subsection (f) of this rule is effective January 1, 2024.

Rule: 681.141. General Continuing Education Requirements.

Action: Adopted Repeal

Comment: This rule is adopted 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: Adopted Repeal

Comment: This rule is adopted 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: Adopted Repeal

Comment: This rule is adopted 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: Adopted Repeal

Comment: This rule is adopted 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: Adopted Amendments

Comment: Section 681.142 has been adopted 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 be education related to the practice of professional counseling ~~comply with §681.142 of this title (relating to Acceptable 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 of this chapter ~~(relating to Rules of Practice)~~; Subchapter C of this chapter ~~(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: 681.35. Informed Consent.

Action: Proposed New Rule

Comment: This proposed new rule transfers the existing requirements for informed consent from current §681.41 to this new rule, and it adds new language in subsection (d). Subsection (d) is intended to create a standard by which informed consent can be provided by licensees to clients while licensees are employed by agencies or institutions, where obtaining signed documentation may not be possible or easily accomplished. The proposed amendment requires the same level of notice and public protection that is currently required, while also creating a regulation that is not overly burdensome or impossible to comply with for licensees.

§681.35. Informed Consent.

(a) 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:

(1) fees and arrangements for payment;

(2) counseling purposes, goals, and techniques;

(3) any restrictions placed on the license by the Council;

(4) the limits on confidentiality;

(5) any intent of the licensee to use another individual to provide counseling treatment intervention to the client;

(6) supervision of the licensee by another licensed health care professional including the name, address, contact information and qualifications of the supervisor;

(7) the name, address and telephone number of the Council for the purpose of reporting violations of the Act or this chapter; and

(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.

(b) A licensee must inform the client in writing of any changes to the items in subsection (a) of this section, prior to initiating the change.

(c) 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.

(d) A licensee acting within the scope of employment with an agency or institution is not required to obtain a signed informed consent, but must document, in writing, that the licensee informed the client of the information required by subsection (a) and that the client consented.

Rule: 681.36. Client Records.

Action: Proposed New Rule

Comment: This proposed new rule transfers the existing requirements for records from current §681.41 to this new rule.

§681.36. Client Records.

(a) For each client, a licensee must keep accurate records of:

(1) signed informed consent, signed written receipt of information, or, in the case of involuntary treatment, a copy of the appropriate court order;

(2) intake assessment;

(3) dates of counseling treatment intervention;

(4) principal treatment methods;

(5) progress notes;

(6) treatment plan; and

(7) billing information.

(b) In the absence of applicable state and federal laws, rules or regulations, 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 the age of majority, whichever is greater.

(c) Records created by a licensee ~~licensees~~ during the scope of ~~their~~ employment with an agency or institution ~~by agencies or institutions~~ must be maintained by the licensee unless the records are maintained by the employer ~~that maintain client records are not required to comply with (a) and (b) of this section~~.

Rule: 681.37. Billing and Financial Arrangements.

Action: Proposed New Rule

Comment: This proposed new rule transfers the existing requirements for billing and financial arrangements from current §681.41 to this new rule.

§681.37. Billing and Financial Arrangements.

(a) Billing Requirements.

(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.

(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.

(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.

(4) A licensee may not knowingly overcharge a client.

(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.

(b) In accordance with §503.401(a)(4) of the Act, 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.

(c) 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, will not be considered as a violation of state law relating to illegal remuneration.

Rule: 681.38. Conflicts, Boundaries, Dual Relationships, and Termination of Relationships.

Action: Proposed New Rule

Comment: This proposed new rule transfers the existing requirements regarding conflicts, boundaries, dual relationships, and termination of relationships with clients from current §681.41 to this new rule.

§681.38. Conflicts, Boundaries, Dual Relationships, and Termination of Relationships.

(a) A licensee must not engage in activities for the licensee's personal gain at the expense of a client.

(b) 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.

(c) A licensee must set and maintain professional boundaries.

(d) Except as provided by this subchapter, non-therapeutic relationships with clients are prohibited.

(1) A non-therapeutic relationship is any non-counseling activity initiated by either the licensee or client that results in a relationship unrelated to therapy.

(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 exploitation by the licensee, and is not detrimental to the client~~.

(3) A licensee may not engage in a romantic relationship or sexual contact with a client within ~~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~~.

(4) For purposes of paragraphs (2) and (3) of this subsection, the licensee must be able to demonstrate the relationship was consensual, not the result of exploitation by or on the part of the

licensee, and that ~~there has been no exploitation and~~ the non-therapeutic relationship is not detrimental to the client in light of all relevant factors, including, but not limited to, the factors set forth in §681.42(b)(4)(A) - (G) of this title (relating to Sexual Misconduct).

(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.

(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.

(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.

(e) 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.

(f) A licensee must terminate a professional counseling relationship when it is reasonably clear the client is not benefiting from the relationship.

(g) Upon termination of a relationship if professional counseling is still necessary, the licensee must take reasonable steps to facilitate the transfer to appropriate care.

Rule: 681.41. General Ethical Requirements

Action: Proposed Amendments

Comment: Subsections (e), (f), (h), (i), (j), (k), (l), (m), (n), (q), (r), (s), (t), (v), (w), and (x) are proposed to be deleted from this rule and adopted in sperate rules to organize the rules of practice in a more accessible and intuitive manner. Additionally, subsection (u) is proposed to be deleted as duplicative, because the same requirement already exists in §681.45.

§681.41. General Ethical Requirements.

(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:

(1) the effectiveness of services;

(2) the licensee's qualifications, capabilities, background, training, experience, education, professional affiliations, fees, products, or publications; or

(3) the practice or field of counseling.

(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.

(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.

(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 reasonable action to correct the statement.

~~(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:~~

~~(1) fees and arrangements for payment;~~

~~(2) counseling purposes, goals, and techniques;~~

~~(3) any restrictions placed on the license by the Council;~~

~~(4) the limits on confidentiality;~~

~~(5) any intent of the licensee to use another individual to provide counseling treatment intervention to the client;~~

~~(6) supervision of the licensee by another licensed health care professional including the name, address, contact information and qualifications of the supervisor;~~

~~(7) the name, address and telephone number of the Council for the purpose of reporting violations of the Act or this chapter; and~~

~~(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.~~

~~(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.~~

(e)~~(g)~~ Technological means of communication may be used to facilitate the therapeutic counseling process.

~~(h) In accordance with §503.401(a)(4) of the Act, 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.~~

~~(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, will not be considered as a violation of state law relating to illegal remuneration.~~

~~(j) A licensee must not engage in activities for the licensee's personal gain at the expense of a client.~~

~~(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.~~

~~(l) A licensee must set and maintain professional boundaries.~~

~~(m) Except as provided by this subchapter, non-therapeutic relationships with clients are prohibited.~~

~~(1) A non-therapeutic relationship is any non-counseling activity initiated by either the licensee or client that results in a relationship unrelated to therapy.~~

~~(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 exploitation by the licensee, and is not detrimental to the client.~~

~~(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.~~

~~(4) For purposes of paragraphs (2) and (3) of this subsection, the licensee must be able to demonstrate there has been no exploitation and the non-therapeutic relationship is not detrimental to the client in light of all relevant factors, including, but not limited to, the factors set forth in §681.42(b)(4)(A) - (G) of this title (relating to Sexual Misconduct).~~

~~(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.~~

~~(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.~~

~~(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.~~

~~(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.~~

(f)~~(o)~~ A licensee may take reasonable action to inform medical or law enforcement personnel if the licensee determines there is a probability of imminent physical injury by the client to the client or others, or there is a probability of immediate mental or emotional injury to the client.

(g)~~(p)~~ The licensee must take reasonable precautions to protect clients from physical or emotional harm resulting from interaction:

(1) within a group; or

(2) individual counseling.

~~(q) For each client, a licensee must keep accurate records of:~~

~~(1) signed informed consent, signed written receipt of information, or, in the case of involuntary treatment, a copy of the appropriate court order~~

~~(2) intake assessment;~~

~~(3) dates of counseling treatment intervention;~~

~~(4) principal treatment methods;~~

~~(5) progress notes;~~

~~(6) treatment plan; and~~

~~(7) billing information.~~

~~(r) In the absence of applicable state and federal laws, rules or regulations, 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 the age of majority, whichever is greater.~~

~~(s) Records created by licensees during the scope of their employment by agencies or institutions that maintain client records are not required to comply with (q) and (r) of this section.~~

~~(t) Billing Requirements.~~

~~(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.~~

~~(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.~~

~~(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.~~

~~(4) A licensee may not knowingly overcharge a client.~~

~~(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.~~

~~(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.~~

~~(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.~~

~~(w) A licensee must terminate a professional counseling relationship when it is reasonably clear the client is not benefiting from the relationship.~~

~~(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.~~

(h)~~(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.

(i)~~(z)~~ A licensee must not knowingly overtreat a client.

(j)~~(aa)~~ A licensee must not aid or abet the unlicensed practice of professional counseling by a person required to be licensed under the Act.

(k)~~(bb)~~ A licensee must report to the Council knowledge of any unlicensed practice of counseling.

(l)~~(cc)~~ A licensee or an applicant must not participate in the falsification of any materials submitted to the Council.

(m)~~(dd)~~ A licensee must not provide services while impaired by a physical, mental, or medical condition or by medication, drugs or alcohol.

Rule: 681.52. Parenting Facilitation

Action: Proposed Amendment

Comment: Rule 681.41 has been proposed to be amended so a corresponding amendment to subsection (y) has been proposed.

§681.52. Parenting Facilitation

(a) In accordance with Texas House Bill 1012, 81st Legislature, 2009, and Family Code, Chapter 153, this section establishes the practice standards for licensees who desire to serve as parenting facilitators.

(b) In accordance with Texas Family Code, §153.601(3-a), a "parenting facilitator" means an impartial third party:

(1) who, regardless of the title by which the person is designated by the court, performs any function described by Texas Family Code, §153.6061, in a suit; and

(2) who:

(A) is appointed under Texas Family Code, Chapter 153, Subchapter K (relating to Parenting Plan, Parenting Coordinator, and Parenting Facilitator) by the court on its own motion or on a motion or agreement of the parties to assist parties in resolving parenting issues through procedures that are not confidential; and

(B) is not appointed under another statute or a rule of civil procedure.

(c) Notwithstanding any other provision of this chapter, licensees who desire to serve as parenting facilitators must comply with all applicable requirements of the Texas Family Code, Chapter 153, and this section. Licensees must also comply with all requirements of this chapter unless a provision is clearly inconsistent with the Texas Family Code, Chapter 153, or this section.

(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.

(e) In accordance with Texas Family Code, §153.6101(b)(1), a licensed professional counselor associate must not serve as a parenting facilitator.

(f) A licensee serving as a parenting facilitator utilizes child-focused alternative dispute resolution processes, assists parents in implementing their parenting plan by facilitating the resolution of disputes in a timely manner, educates parents about children's needs, and engages in other activities as referenced in Texas Family Code, Chapter 153.

(g) A licensee serving as a parent facilitator must assist the parties involved in reducing harmful conflict and in promoting the best interests of the children.

(h) A licensee serving as a parenting facilitator functions in four primary areas in providing services.

(1) Conflict management function--The primary role of the parenting facilitator is to assist the parties to work out disagreements regarding the children to minimize conflict. To assist the parents in reducing conflict, the parenting facilitator may monitor the electronic or written exchanges of parent communications and suggest productive forms of communication that limit conflict between the parents.

(2) Assessment function--A parenting facilitator must review applicable court orders, including protective orders, social studies, and other relevant records to analyze the impasses and issues as brought forth by the parties.

(3) Educational function--A parenting facilitator must educate the parties about child development, divorce, the impact of parental behavior on children, parenting skills, and communication and conflict resolution skills.

(4) Coordination/case management function--A parenting facilitator must work with the professionals and systems involved with the family (for example, mental health, health care, social services, education, or legal) as well as with extended family, stepparents, and significant others as necessary.

(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.

(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.

(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.

(l) A licensee serving as a parenting facilitator must not provide legal advice.

(m) A licensee serving as a parenting facilitator must serve by written agreement of the parties and/or formal order of the court.

(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.

(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.

(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;

(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;

(3) must not coerce or improperly influence any party to make a decision;

(4) must not intentionally or knowingly misrepresent or omit any material fact, law, or circumstance in the parenting facilitator process; and

(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.

(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.

(r) A licensee serving as a parenting facilitator should attempt to bring about resolution of issues by agreement of the parties; however, the parenting facilitator is not acting in a formal mediation role. An effort towards resolving an issue, which may include therapeutic, mediation, education, and negotiation skills, does not disqualify a licensee from making recommendations regarding any issue that remains unresolved after efforts of facilitation.

(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.

(t) A licensee serving as a parenting facilitator:

(1) may meet individually or jointly with the parties, as deemed appropriate by the parenting facilitator, and may interview the children;

(2) may interview any individuals who provide services to the children to assess the children's needs and wishes; and

(3) may communicate with the parties through face-to-face meetings or electronic communication.

(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:

(1) the limitations on confidentiality in the parenting facilitation process; and

(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.

(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.

(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.

(x) A licensee serving as a parenting facilitator:

(1) must comply with all mandatory reporting requirements, including but not limited to Texas Family Code Chapter 261, concerning abuse or neglect of minors;

(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;

(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;

(4) must maintain notes regarding all communications with the parties, the children, and other persons with whom they speak about the case; and

(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.

(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 §681.36 ~~§681.41(r)~~ of this title (relating to Client Records ~~General Ethical Requirements~~), or as otherwise directed by the court.

(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.

(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.

(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.

(cc) Fees may be disproportionately divided fees if one parent is disproportionately creating a need for services and if such a division is outlined in the court order of appointment and/or as noted in the parenting facilitators' written fee disclosure to the parties.

(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.

(ee) The minimum training for a licensee serving as a parent facilitator that is required by Texas Family Code, §153.6101(b)(2) is:

(1) eight hours of family violence dynamics training provided by a family violence service provider;

(2) 40 classroom hours of training in dispute resolution techniques in a course conducted by an alternative dispute resolution system or other dispute resolution organization approved by the court;

(3) 24 classroom hours of training in the fields of family dynamics, child development, family law; and

(4) 16 hours of training in the laws and Council rules governing parent coordination and facilitation, and the multiple styles and procedures used in different models of service.

(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.

(gg) Since parenting facilitation services are addressed under multiple titles in different jurisdictions nationally, acceptability of training to meet the requirements of subsection (ee) of this section, is based on functional skills taught during the training rather than the use of specific titles or names.

Rule: 681.205. Schedule of Sanctions

Action: Proposed Amendment

Comment: Amendments to §681.41 have been proposed, so corresponding amendments to this rule are also being proposed.

§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	Subsection	Action
§681.41(a)		L5
	(1)-(3)	L5
§681.41(b)		L5
§681.41(c)		L5
§681.41(d)		L5
§681.35(a) ~~§681.41(e)~~		L4
	(1)-(8)	L4
§681.35(b) ~~§681.41(f)~~		L4
§681.41(g)		L5
§681.37(b) ~~§681.41(h)~~		L3
§681.37(c) ~~§681.41(i)~~		L3
§681.38(a) ~~§681.41(j)~~		L4
§681.38(b) ~~§681.41(k)~~		L4
§681.38(c) ~~§681.41(l)~~		L4
§681.38(d) ~~§681.41(m)~~		L4
	(2)	L4
	(3)	L1
	(5)-(6)	L5
	(7)	L4
§681.38(e) ~~§681.41(n)~~		L5

§681.41(p)		L5
§681.36(a) ~~§681.41(q)~~		L5
	(1)	L4
	(2)-(7)	L5
§681.36(b) ~~§681.41(r)~~		L5
§681.37(a) ~~§681.41(t)~~	(1)-(3)	L5
	(4)-(5)	L4
~~§681.41(u)~~		~~L4~~
§681.35(c) ~~§681.41(v)~~		L5
§681.35(d)		L4
§681.38(f) ~~§681.41(w)~~		L4
§681.38(g) ~~§681.41(x)~~		L5
§681.41(y)		L4
§681.41(z)		L4
§681.41(aa)		L1
§681.41(cc)		L1
§681.42(b)	(1)-(3)	L1
§681.42(c)		L1
§681.42(f)	(1)-(2)	L5
§681.43(a)		L5
§681.43(b)		L5
§681.43(c)		L4
§681.43(d)		L5
§681.43(e)		L5
§681.44		L3
§681.45(b)		L4
§681.45(c)		L4
§681.45(d)	(1)-(5)	L4
§681.46(b)		L5
§681.47(b)		L5
§681.49(a)		L5
§681.49(d)		L5
§681.49(e)		L5
§681.49(g)		L5
§681.49(h)		L5

§681.49(i)		L5
§681.50(a)		L5
§681.50(b)		L5
§681.50(c)		L5
§681.50(d)		L5
§681.51(b)	(3)	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)-(5)	L5
§681.52(q)		L5
§681.52(s)		L5
§681.52(u)		L5
	(1)-(2)	L5
§681.52(v)		L5
§681.52(w)		L5
§681.52(x)		L5
	(1)-(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)-(2)	L4

§681.53(i)		L4
§681.91(d)		L1
§681.93(a)	(1)(A)-(F)	L5
	(2)	L5
§681.93(c)		L5
	(1)-(2)	L5
§681.93(d)		L5
§681.93(e)		L5
§681.93(f)	(1)-(2)	L5
§681.93(h)	(2)	L4

Compact Home Page - https://counselingcompact.org/
Compact FAQ's - https://counselingcompact.org/faq/
Compact Commission Meetings - https://counselingcompact.org/compact-commission/meetings/

COUNSELING COMPACT STATE LIST 12/21/2022

Legislation Enacted

1. Alabama (3rd)
2. Colorado
3. Delaware
4. Florida (8th)
5. Georgia (1st)
6. Kentucky (9th)
7. Louisiana
8. Maine (7th)
9. Maryland (2nd)
10. Mississippi (4th)
11. Nebraska (10th)
12. New Hampshire
13. North Carolina
14. Ohio
15. Tennessee
16. Utah (6th)
17. West Virginia (5th)

L*egislation Not Enacted*

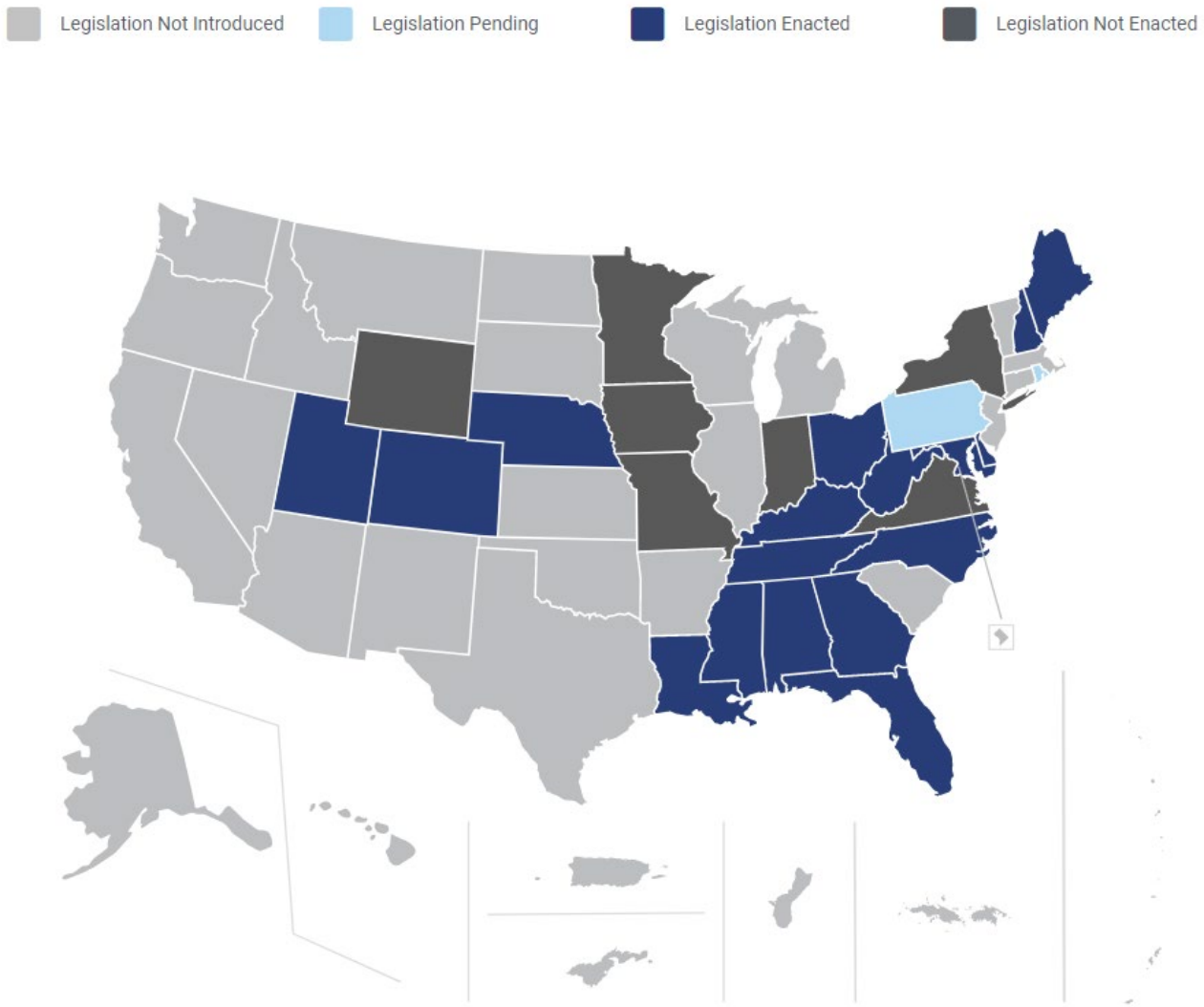
1. Indiana
2. Iowa
3. Minnesota
4. Missouri
5. New York
6. Virginia
7. Wyoming

Legislation Pending

1. Rhode Island
2. Pennsylvania

https://counselingcompact.org/map/

As of 12/21/2022



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.

George H.W. Bush Building
1801 Congress Ave., Ste 7.300, Austin, TX 78701

Tentative Meeting Date	Board	Tentative Meeting Location
November 4, 2022	Full Board	Bush Building
January 13, 2023	Full Board	Bush Building
April 28, 2023	Full Board	Bush Building
August 4, 2023	Full Board	Bush Building

Last Updated September 9, 2022