



2020-2022 Guideline Change Summary

Texas Behavioral Health Executive Council

881.21 Petition for Rulemaking (amended)

Amended: February 9, 2021; September 19, 2021

Description: (f) The term "interested person" as used in this rule, shall have the same meaning as that assigned by §2001.021(d) of the Government Code. Additionally, a person who submits a petition under this rule must affirm that they qualify as an interested person in the petition. Petitions which do not contain such an affirmation may be denied (46 TexReg 3697).

881.33 Family Leave Pool

Adopted to be effective: February 27, 2022

Description: (a) The Council hereby establishes a family leave pool to provide eligible employees more flexibility in bonding with and caring for children during a child's first year following birth, adoption, or foster placement, and to care for themselves or family members suffering from serious illness, including pandemic-related illnesses or complications caused by a pandemic.

(b) The Council's family leave pool shall be administered by the Executive Director in accordance with Chapter 661 of the Government Code and the Texas Human Resources Statutes Inventory manual published by the Texas State Auditor's Office.

(c) The Executive Director shall develop and prescribe procedures for the operation of the family leave pool and include such procedures in the Council's personnel manual.

882.2 General Application File Requirements

Adopted to be effective: September 21, 2022

Description: (a)(4)A self-query report from the National Practitioner Data Bank (NPDB) reflecting any disciplinary history or legal actions taken against the applicant. A self-query report must be submitted to the agency as a PDF that ensures the self-query is exactly as it was issued by the NPDB (i.e., a digitally certified self-query response) or in the sealed envelope in which it was received from the NPDB;

882.11 Applicants with Foreign Degrees (amended)

Amended: September 19, 2021

Description: (c) Foreign degree evaluations must be conducted by a foreign degree evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or the Association of International Credential Evaluators, Inc. (AICE). Alternatively, the Council will accept foreign degree evaluations from the National Register of Health Service Psychologists for persons applying under Chapter 501 of the Occupations Code and the International Social Work Degree Recognition and Evaluation Service for persons applying under Chapter 505 of the Occupations Code

882.21 License Statuses (amended)

Amended: June 1, 2021

Description: (b) Inactive Status. (1) A licensee with an unrestricted active license may elect inactive status through the Council's online licensing system. A licensee who elects inactive status must pay the associated fee. (46 TexReg 1181)

882.21 License Statuses

Amended: February 27, 2022

Description: (6) An inactive license may be reactivated at any time by applying for active status through the online licensing system. When reactivating a license, a licensee must pay the renewal fee associated with the license. A license that has been reactivated is subject to the standard renewal schedule and requirements, including renewal and late fees. Notwithstanding the foregoing, a license that is reactivated within 60 days of its renewal date will be considered as having met all renewal requirements and will be renewed for the next renewal period.

882.22 Reinstatement of a License

Adopted to be effective: September 21, 2022

Description: (a) A person whose full license has expired or been retired, revoked, or resigned, may apply for reinstatement of the license. A person seeking re-licensure must apply for reinstatement, rather than applying for a new full license.

(f)(2) submission of a self-query report from the National Practitioner Data Bank (NPDB) reflecting any disciplinary history or legal actions taken against the applicant. A self-query report must be submitted to the agency as a PDF that ensures the self-query is exactly as it was issued by the NPDB (i.e., a digitally certified self-query response) or in the sealed envelope in which it was received from the NPDB;

882.37 COVID-19 Vaccine Passports Prohibited

Adopted to be effective: February 27, 2022

Description: (a) In this rule, COVID-19 has the same meaning assigned by 161.0085 of the Health and Safety Code

(b) a licensee shall not require an individual to provide any documentation certifying the individual's COVID-19 vaccination or post-transmission recovery on entry to gain access to, or to receive service from the licensee or the licensee's practice.

(c) Notwithstanding subsection (b) of this section, licensees may implement COVID-19 screening and infection control protocols in accordance with state and federal law to protect public health.

(d) This rule shall not operate or be construed to interfere with an individual's right to access the individual's personal health information under federal law.

882.42 Ineligibility Due to Criminal History

Adopted: February 2023

Description: This adopted amendment clarifies that if a criminal offense took place in some other jurisdiction, besides Texas, it can be a basis for the denial of an application or revocation or suspension of a license if the offense is substantially similar to a Texas offense listed in this rule.

(i) A criminal offense committed in another state, tribal, territorial, or commonwealth jurisdiction or under federal law is subject to this rule if the offense is substantially similar to an offense listed in this rule.

882.50 Continuing Education and Audits (amended)

Amended: June 1, 2021

Description: “(1) Random audits. Each month, 5% of the licensees will be selected by an automated process for an audit of the licensee's compliance with the agency's continuing education requirements. The agency will notify a licensee of the audit. Upon receipt of an audit notification, a licensee must submit continuing education documentation through the agency's online licensing system, or by email, or regular mail before a license will be renewed” (46 TexReg 1184)

882.60 Special Provisions Applying to Military Service Members, Veterans and Spouses (amended)

Amended: February 27, 2022

Description: (f) Each member board may develop and maintain alternate methods for a military service member, military veteran, or military spouse to demonstrate competency in meeting the requirements for obtaining a license, including receiving appropriate credit for training, education, and professional experience.

882.61 Special Licensing Provisions for Military Spouses (amended)

Amended: February 27, 2022

Description: (a) A military spouse shall be issued a license to practice marriage and family therapy, professional counseling, psychology, or social work if the person meets each of the following requirements:

(4) the spouse submits proof of residency in this state (e.g. copy of a permanent change of station order) and a copy of the spouse's military identification card; and

(b) The Council shall determine substantial equivalency based upon the determinations made by the member boards under §882.60(d) of this chapter (relating to Special Provisions Applying to Military Service Members, Veterans, and Spouses).

882.70 Emergency Temporary License

Adopted to be effective: February 27, 2022

Description: (b) An emergency temporary license issued pursuant to this rule will expire upon termination of the suspension or state of disaster, whichever occurs first.

(g) There is no fee associated with the application or issuance of an emergency temporary license.

883.1 Renewal of a License (amended)

Amended: November 21, 2021

Description: (c) Licensees must pay all applicable renewal or late renewal fees, indicate compliance with any continuing education requirements, and comply with any other requests for information or requirements contained within the online renewal system as a prerequisite for renewal of a license.

884.4 Special Requirements for Complaints Alleging Violations Related to Court-ordered Therapy or Parenting Facilitator Services

Adopted to be effective: February 27, 2022

Description:(a) A person who seeks to file a complaint alleging a statutory or rule violation arising out of or related to court ordered therapy or parenting facilitator services must, in addition to submitting a Council-approved complaint form, comply with the requirements of this rule when filing a complaint.

(b) A complaint may not be filed while the licensee is under ap-ointment to provide therapy or parenting facilitator services. A com-plaint received by the Council while the licensee is appointed will be dismissed by staff as premature but may be resubmitted as a new com-plaint after the appointment is concluded or terminated.

(c) A complaint will be considered timely filed if brought within the time period specified by the general rule governing time-liness of complaints or within one year of the appointment being concluded or terminated, whichever is greater.

(d) A complaint must include each of the following:

(1) Documentation reflecting the licensee's appointment in the case. A copy of a court order, docket sheet, or transcript from the proceedings or a letter from an attorney involved in the case will meet the requirements of this rule;

(2) a copy of any documents provided by the licensee de-scribing the costs, nature, or limitations of the services to be provided, or a statement that no such documents were provided;

(3) an attestation that the licensee's appointment in the case has been concluded or terminated. A letter from an attorney involved in the case will also meet the requirements of this rule.

(e) A complaint that does not substantially comply with sub-section (d) of this section shall be dismissed by agency staff. A complaint may be held open for no more than 30 days following notice to the complainant regarding any such deficiency, after which, agency staff shall dismiss the complaint if the deficiency is not cured.

884.20 Disciplinary Guidelines and Schedule of Sanctions

Adopted to be effective: September 21, 2022

Description: (a)(4) The standard and minimum disciplinary sanctions outlined below are applicable to persons who are being sanctioned for the first time. The Council may consider more severe or restrictive sanctions if a person has had a sanction assessed against them previously.

885.1. Executive Council Fees (amended)

Amended: February 9, 2021; September 19, 2021

Description: (c) Late fees. (Not applicable to Inactive Status) (1) If the person's license has been expired (i.e., delinquent) for 90 days or less, the person may renew the license by paying to the Council a fee in an amount equal to one and one-half times the base renewal fee. (2) If the person's license has been expired (i.e., delinquent) for more than 90 days but less than one year, the person may renew the license by paying to the Council a fee in an amount equal to two times

the base renewal fee. (3) If the person's license has expired (i.e., delinquent) for one year or more, the person may not renew the license; however, the person may apply for reinstatement of the license.

885.1 Executive Council Fees

Adopted to be effective: February 27, 2022

Description: (b) The Executive Council adopts the following chart of fees: Figure: 22 TAC Application fees will be reduced for LCSW by \$9.00, LPC and LPC-Associate by \$56.00. Renewal fees are adopted to be reduced for the following license types: LBSW and LMSW by \$33.00, LCSW and LMSW-AP by \$55.00. Additionally, the \$4.00 Texas.gov fee is adopted to be removed from the temporary license application for social workers and the application for criminal history evaluation.

LPC Rule Changes

681.2 Definitions

Adopted to be effective: February 27, 2022

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

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

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

681.41 General Ethical Requirements

Amended: November 21, 2021

Description: (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” (46 TexReg 3682)

681.72 Required Application Materials

Amended: November 21, 2021

Description: Clause removed from 681.71

681.73 Application for Art Therapy Specialty Designation

Amended: November 21, 2021

Description: (b) The Council will accept an individual course from an art therapy program accredited through the American Art Therapy Association (or its successor) as satisfying the education requirements set out in §681.82 of this title (relating to Academic Requirements) if not less than 75% of the course content is substantially equivalent to the content of a course required in §681.83 of this title (relating to Academic Course Content)” (46 TexReg 3687)

681.82 Academic Requirements

Amended: November 21, 2021

Description: (a) Persons applying for licensure must have a graduate degree in counseling or a counseling-related field of:

(1) at least 48 semester hours of coursework in a counseling or counseling-related field for applicants who began the qualifying program before August 1, 2017; and

(2) at least 60 semester hours of coursework in a counseling or counseling-related field for applicants who began the qualifying program on or after August 1, 2017.

(b) An applicant who holds a graduate degree in a counseling related field must have an official transcript documenting satisfaction of the requirements described in §681.83 of this title (relating to Academic Course Content).

(c) An applicant who has held a full active LPC in good standing issued by a United States jurisdiction for at least two (2) years immediately preceding the date the application was received will be deemed to have met all academic and experience requirements, including the practicum, if the applicant can demonstrate 3,000 hours of supervised experience and has completed at least 48 semester hours of coursework in a graduate degree program in a counseling or a counseling-related field, with 300 clock hours of supervised practicum.”

681.91 LPC Associate License

Adopted to be effective: February 27, 2022

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

(j) The possession, access, retention, control, maintenance, and destruction of client records is the responsibility of the person or entity that employs or contracts with the LPC Associate, or in those cases where the LPC Associate is self-employed, the responsibility of the LPC-Associate.

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

681.92 Experience Requirements

Adopted to be effective: February 9, 2021

Description: (a) All applicants for LPC licensure must complete supervised experience acceptable to the Council of 3,000 clock-hours under a Council-approved supervisor.

(1) All internships physically occurring in Texas must be completed under the supervision of a Council-approved supervisor.

(2) For all internships physically completed in a jurisdiction other than Texas, the supervisor must be a person licensed or certified by that jurisdiction in a profession that provides counseling and who has the academic training and experience to supervise the counseling services offered by the Associate. The applicant must provide documentation acceptable to the Council regarding the supervisor's qualifications.

(b) The supervised experience must include at least 1,500 clock-hours of direct client counseling contact. Only actual time spent counseling may be counted.

(c) An LPC Associate may not complete the required 3,000 clock-hours of supervised experience in less than 18 months.

(d) The experience must consist primarily of the provision of direct counseling services within a professional relationship to clients by using a combination of mental health and human development principles, methods, and techniques to achieve the mental, emotional, physical, social, moral, educational, spiritual, or career-related development and adjustment of the client throughout the client's life.

(e) The LPC Associate must receive direct supervision consisting of a minimum of four (4) hours per month of supervision in individual (up to two Associates or group (three or more) settings

while the Associate is engaged in counseling unless an extended leave of one month or more is approved in writing by the Council approved supervisor. No more than 50% of the total hours of supervision may be received in group supervision.

(f) An LPC Associate may have up to two (2) supervisors at one time.” (45 TexReg 8706)

681.93 Supervisor Requirements

Adopted to be effective: February 27, 2022

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

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

(b) Both the LPC-Associate and the supervising LPC-S are fully responsible for the professional counseling activities of the LPC-Associate. The LPC-S may be subject to disciplinary action for violations that relate only to the professional practice of counseling committed by the LPC-Associate which the LPC-S knew about or due to the oversight nature of the supervisory relationship should have known about.

681.114 Licensing of Military Service Members, Military Veterans, and Military Spouses

Amended: November 21, 2021

Description: (b) Substantial Equivalency Determination. In accordance with §55.004 of the Occupations Code, the licensing requirements for a license to practice professional counseling in another jurisdiction will be considered substantially equivalent to Texas' requirements if the following criteria are met:

(1) the applicant has been fully licensed to practice professional counseling for the two years immediately preceding the date the application is received; and

(2) has no disciplinary history.

(c) If an applicant has been fully licensed to practice professional counseling in another United States jurisdiction for less than two years immediately preceding the date the application is received, and has no disciplinary history, staff may grant 125 hours of credit for every month of independent professional counseling practice toward any deficit in experience requirements.

(d) For an application submitted by a verified military service member or military veteran, the applicant must receive credit towards any licensing requirements, except an examination requirement, for verified military service, training, or education that the Council determines is relevant to the licensing requirements

681.145 Determination of Clock-hour Credits

Adopted: February 2023

Description: 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.

681.140 Requirements for Continuing Education

Adopted: February 2023

Description: 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.

(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.

681.141 General Continuing Education Requirements

Rule was repealed: February 2023

Description: 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

Rule was repealed: February 2023

Description: 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

Rule was repealed: February 2023

Description: 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

Rule was repealed: February 2023

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.

681.147 40 Clock Hour Supervisor Training Course

Adopted to be effective: February 2023

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

The 40-clock-hour supervision training must be education related to the practice of professional counseling 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 ; Subchapter C of this chapter ; §681.91 of this title; §681.92 of this title; §681.93 of this title; 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.

681.164 Licensing of Persons with Criminal Convictions

Adopted to be effective: February 9, 2021

Description: The following felonies and misdemeanors directly relate to the duties and responsibilities of a licensee:

- (1) offenses listed in Article 42A.054 of the Code of Criminal Procedure;
- (2) a sexually violent offense, as defined by Article 62.001 of the Code of Criminal Procedure;
- (3) any felony offense wherein the judgment reflects an affirmative finding regarding the use or exhibition of a deadly weapon;
- (4) any criminal violation of Chapter 503 (Licensed Professional Counselor Act) of the Occupations Code;
- (5) any criminal violation of Chapter 35 (Insurance Fraud) or Chapter 35A (Medicaid Fraud) of the Penal Code;
- (6) any criminal violation involving a federal health care program, including 42 USC 1320a-7b (Criminal penalties for acts involving Federal health care programs);
- (7) any offense involving the failure to report abuse or neglect;
- (8) any state or federal offense not otherwise listed herein, committed by a licensee while engaged in the practice of professional counseling;
- (9) any criminal violation of 22.041 (abandoning or endangering a child) of the Penal Code;
- (10) any criminal violation of 21.15 (invasive visual recording) of the Penal Code;
- (11) any criminal violation of 43.26 (possession of child pornography) of the Penal Code;
- (12) any criminal violation of 22.04 (injury to a child, elderly individual, or disabled individual) of the Penal Code;
- (13) three or more drug or alcohol related convictions within the last 10 years, evidencing possible addiction that will have an effect on the licensee's ability to provide competent services; and
- (14) any attempt, solicitation, or conspiracy to commit an offense listed herein.

681.206 Schedule of Sanction

Adopted to be effective: June 26, 2022

681.6 General Provisions

Adopted to be effective: June 26, 2022

The repeal of this rule is necessary since recordings of entire meetings of the Texas State Board of Examiners of Professional Counselors will be posted on a publicly accessible website; therefore this rule is no longer necessary.

LMFT Rule Changes

801.2 Definitions

Adopted to be effective: February 27, 2022

Description: (15) Licensed marriage and family therapist (LMFT) – As defined in 502.002 of the Occupations Code, a person who offers marriage and family therapy for compensation.
(16) Licensed marriage and family therapist associate (LMFT Associate) – as defined in 502.002 of the Occupations Code, an individual who offers to provide marriage and family therapy for compensation under the supervision of a supervisor approved by the executive council. The appropriate council-approved terms to refer to an LMFT Associate are: “Licensed Marriage and Family Therapist Associate” or “LMFT Associate.” Other terminology or abbreviations like “LMFT A” are not council-approved and may not be used.

Adopted to be effective: November 23, 2022

(8) Direct clinical services to couples or family--professional services provided to couples or families in which a clinician delivers therapeutic services with two or more individuals simultaneously or two or more individuals from the same family system within the same therapeutic session. Individuals must share an ongoing relationship beyond that which occurs in the therapeutic experience itself. Examples of ongoing relationships include family systems, couple systems, enduring friendship/community support systems, and residential, treatment or situationally connected systems.

801.43 Professional Representation

Adopted to be effective: November 23, 2022; Effective: January 1, 2023

Description: An LMFT Associate must not represent themselves as an independent practitioner. An LMFT Associate's name must be followed by a statement such as "supervised by (name of supervisor)" or a statement of similar effect, together with the name of the supervisor. This disclosure must appear on all marketing materials, billing documents, and practice related forms and documents where the LMFT Associate's name appears, including websites and intake documents.

801.44 Relationships with Clients

Adopted to be effective: September 21, 2022

Description: (p)A licensee may not offer services that are beyond the licensee's professional competency, and the services provided must be within accepted professional standards of practice and appropriate to the needs of the client. In emerging areas in which generally recognized standards for preparatory training do not exist, licensees must take reasonable steps to ensure the competence of their work and to protect clients, research participants, and other affected individuals from the potential for harm.

801.58 Technology-Assisted Services

Adopted to be effective: September 21, 2022

Description: (d) A licensee may provide technology-assisted services. To ensure the competent delivery of services by technology-assisted means, a licensee must maintain an appropriate level of education, training, or experience in using relevant technology.

801.74 Application to Take Licensure Examination

Adopted to be effective: February 27, 2022

Description: An applicant must submit a complete application to sit for examination as prescribed by the Council.

801.142 Supervised Clinical Experience Requirements and Conditions

Adopted to be effective: February 2023

Description: The adopted amendment allows for students in doctoral programs to count supervised experience hours toward licensure requirements when obtained after the conferral of their master's degree that meets licensure requirements.

(10) Applicants with a master's degree that qualifies under §801.112 and §801.113 of this title, may count any supervision and experience (e.g., practicum, internship, externship) completed after conferral of the master's degree and as part of a doctoral program, toward the supervision and experience requirements set out in this rule. A doctoral program must lead to a degree that qualifies under §801.112 and §801.113 of this title before the Council will award credit for supervision and experience under this provision.

801.143 Supervisor Requirements

Adopted to be effective: September 21, 2022; February 2023

Description: (h) A supervisor who fails to meet all requirements for licensure renewal may not advertise or represent himself or herself as a supervisor in any manner.

(i) A supervisor whose license status is other than current, active is no longer an approved supervisor. Supervised clinical experience hours accumulated under that person's supervision after the date his or her license status changed from current, active or after removal of the supervisor designation will not count as acceptable hours unless approved by the council.

(j) A supervisor who becomes subject to a council disciplinary order is no longer an approved supervisor. The person must:

- (1) inform each LMFT Associate of the council disciplinary order;
- (2) refund all supervisory fees received after date the council disciplinary order was ratified to the LMFT Associate who paid the fees; and
- (3) assist each LMFT Associate in finding alternate supervision.

(k) Supervision of an LMFT Associate without being currently approved as a supervisor is grounds for disciplinary action.

(l) The LMFT Associate may compensate the supervisor for time spent in supervision if the supervision is not part of the supervisor's responsibilities as a paid employee of an agency, institution, clinic, or other business entity.

(m) At a minimum, the 40-hour continuing education course in clinical supervision, referenced in subsection (a)(1)(B) of this rule, must meet each of the following requirements:

- (1) the course must be taught by a licensed supervisor status issued by the Council;
- (2) all related coursework and assignments must be completed over a time period not to exceed 90 days; and
- (3) the 40-hour supervision training must include at least:
 - (A) three (3) hours for defining and conceptualizing supervision and models of supervision;
 - (B) three (3) hours for supervisory relationship and marriage and family therapist development;

- (C) twelve (12) hours for supervision methods and techniques, covering roles, focus (process, conceptualization, and personalization), group supervision, multi-cultural supervision (race, ethnic, and gender issues), and evaluation methods;
 - (D) twelve (12) hours for supervision and standards of practice, codes of ethics, and legal and professional issues; and
 - (E) three (3) hours for executive and administrative tasks, covering supervision plan, supervision contract, time for supervision, record keeping, and reporting.
- (n) Subsection (m) of this rule is effective May 1, 2023.

801.202 LMFT Associate License

Adopted to be effective: February 2023

Description: These adopted amendments change the LMFT Associate license to a five year non-renewable term, similar to the LPC Associate license structure.

- (a) An LMFT Associate license expires 60 months from the date of issuance.
- (b) An LMFT Associate who does not complete the required supervised experience hours during the 60-month time period must reapply for licensure.
- (c) As of the effective date of this rule, all active LMFT Associate licenses shall be converted to a 60-month licensure term, with a new expiration date set 60 months after the effective date of this rule.

801.204 Licensing of Military Service Members, Military Veterans, and Military Spouses

Adopted to be effective: February 9, 2021

Description: (a) An applicant for licensure under this section must comply with Council 882.60 of this title (relating to Special Provisions Applying to Military Service Members, Veterans, and Spouses).

- (b) Licensed by another United States jurisdiction.
 - (1) If an applicant has been licensed as an LMFT in another United States jurisdiction for the two years immediately preceding the date the application is received, and has no disciplinary history, the academic (including the internship) and experience requirements shall be considered met.
 - (2) If an applicant has been licensed as an LMFT in another United States jurisdiction for less than two years immediately preceding the date the application is received, and has no disciplinary history, staff may grant one month of credit for every two months of independent marriage and family therapy practice toward any deficit in the academic internship or experience requirements.
- (c) Upon request, an applicant must provide acceptable proof of current licensure issued by another jurisdiction. Upon request, the applicant must provide proof that the licensing requirements of that jurisdiction are substantially equivalent to the licensing requirements of this state.
- (d) For an application for a license submitted by a verified military service member or military veteran, the applicant will receive credit towards any licensing or apprenticeship requirements, except an examination requirement, for verified military service, training, or education relevant to the occupation, unless he or she holds a restricted license issued by another jurisdiction or if

he or she has a disqualifying criminal history as described by the Act, the Council Act, or Council rules.

801.205 Remedy for Incomplete License Requirements (amended)

Adopted to be effective: September 19, 2021

Description: (a) An applicant who does not meet all of the prerequisites for a particular license under Chapter 502 of the Occupations Code, may petition the Council for a waiver or modification of the prerequisite(s). An applicant may not petition for the waiver or modification of the degree required for the particular license sought or passage of the requisite examinations. (b) The Council may waive or modify a prerequisite for obtaining a license under Chapter 502 of the Occupations Code, subject to subsection (a) of this section, if:

- (1) the prerequisite is not mandated by federal law, the state constitution or statute, or 22 TAC Part 41 (relating to Texas Behavioral Health Executive Council); and
- (2) the failure or inability to meet the prerequisite was due to a disaster declared under Chapter 418 of the Government Code or under similar authority in another jurisdiction.

(c) The Council may approve or deny a petition under this rule, and in the case of approval, may condition the approval on reasonable terms and conditions designed to ensure the applicant's education, training, and experience provide reasonable assurance that the applicant has the knowledge and skills necessary for entry-level practice under the license sought.

801.206 Licensing of Persons with Criminal Convictions

Adopted to be effective: February 9, 2021

Description: The following felonies and misdemeanors directly relate to the duties and responsibilities of a licensee:

- (1) offenses listed in Articles 42A.054 of the Code of Criminal Procedure;
- (2) a sexually violent offense, as defined by Article 62.001 of the Code of Criminal Procedure;
- (3) any felony offense wherein the judgment reflects an affirmative finding regarding the use or exhibition of a deadly weapon;
- (4) any criminal violation of Chapter 502 (Licensed Marriage and Family Therapist Act of the Occupations Code);
- (5) any criminal violation of Chapter 35 (Insurance Fraud) or Chapter 35A (Medicaid Fraud) of the Penal Code;
- (6) any criminal violation involving a federal health care program, including 42 USC 130a-7b (Criminal penalties for acts involving Federal health care programs);
- (7) any offense involving the failure to report abuse or neglect;
- (8) any state or federal offense not otherwise listed herein, committed by a licensee while engaged in the practice of marriage and family therapy;
- (9) any criminal violation of 22.041 (Abandoning or Endangering a Child) of the Penal Code;
- (10) any criminal violation of 21.15 (Invasive Visual Recording) of the Penal Code;
- (11) any criminal violation of 43.26 (Possession of Child Pornography) of the Penal Code;
- (12) any criminal violations of 22.04 (Injury to a Child, Elderly Individual, or Disabled Individual) of the Penal Code;
- (13) three or more drug or alcohol related convictions within the last 10 years, evidencing possible addiction that will have an effect on the licensee's ability to provide competent services; and
- (14) any attempt, solicitation, or conspiracy to commit an offense listed herein.

801.261 Requirements for Continuing Education

Adopted to be effective: September 21, 2022; February 2023

Description: This amendment changed all CE requirements, removed Associate CE requirements, and designated Approved Providers.

(a) Minimum Continuing Education Hours Required

(1) An LMFT must complete 30 hours of continuing education during each renewal period that they hold a license. The 30 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. 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.

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

(2) A licensee with supervisory status must take and pass the jurisprudence examination. One hour of continuing education in ethics may be claimed for passing the jurisprudence examination.

(3) A licensee who provides telehealth services must complete 2 hours of continuing education in technology-assisted services.

(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 marriage and family therapy;

(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)(3) of this section, and be directly related to the practice of marriage and family therapy;

(2) The Council shall make the determination as to whether the activity claimed by the licensee is directly related to the practice of marriage and family therapy;

(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.

(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 graduate-level licensee with supervisor status; or
 - (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) Passage of the jurisprudence examination. Licensees who pass the jurisprudence examination may claim 1 hour of continuing education in ethics.
 - (2) Preparing and giving a presentation at a continuing education activity. The maximum number of hours that may be claimed for this activity is 5 hours.
 - (3) Authoring a book or peer reviewed article. The maximum number of hours that may be claimed for this activity is 5 hours.
 - (4) Teaching or attending a graduate level course. The maximum number of hours that may be claimed for this activity is 5 hours.
 - (5) Self-study. The maximum number of hours that may be claimed for this activity is 1 hour. 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 marriage and family therapy. 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.
 - (6) Successful completion of a training course on human trafficking prevention described by §116.002 of the Occupations Code. Licensees who complete this training may claim 1 hour of continuing education credit.
- (i) The Council does not pre-evaluate or pre-approve continuing education providers or hours.
- (j) Licensees shall maintain proof of continuing education compliance for a minimum of 3 years after the applicable renewal period.
- (k) Subsection (f) of this rule is effective January 1, 2024.

801.263 Requirements for Continuing Education

Repeal effective: September 21, 2022

801.264 Types of Acceptable Continuing Education

Repeal effective: September 21, 2022

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801.266 Determination of Clock Hour Credits and Credit Hours Granted

Repeal effective: September 21, 2022

801.302 Severity Level and Sanction Guide

Effective: November 23, 2022

Level One: Revocation – Intentional or gross misconduct. Loss of license

Level Two: Suspension – less misconduct or harm. Involves suspension for a time

Level Three: Probated suspension of license. Involves monitoring to ensure future compliance

Level Four: Reprimand. Minor misconduct not impacting healthy, safety, and welfare of public

Level Five: Administrative Penalty. This can be up to \$5,000 each day for each violation.

801.305. Schedule of Sanctions

Repealed: November 23, 2022

Social Work Rules Changes

781.102 Definitions (amended)

Amended: February 4, 2021

Description: The proposed amended rule, in conjunction with other rule amendments published in this edition of the Texas Register, will no longer require the preapproval of a supervision plan in order to accrue supervised experience required for the issuance of a license as a clinical social worker (LCSW) or for independent practice recognition for a baccalaureate social worker (LBSW) or a master social worker (LMSW). Supervised experience will still be required, at the same requisite level that is currently in place, but documentation of the required supervised experience will now only be submitted to the Executive Council when the applicant is applying for either the LCSW or independent practice recognition. The Executive Council anticipates the proposed amendment will address the backlog of applications and expedite future applications received.

LMSW-AP--Licensed Master Social Worker with the Advanced Practitioner specialty recognition for non-clinical practice. This specialty recognition will no longer be conferred after September 1, 2017. Licensees under a supervision plan for this specialty recognition before September 1, 2017 will be permitted to complete supervision and examination for this specialty recognition.

Clinical supervision of a Licensed Master Social Worker, who is providing clinical services and is under a supervision plan to fulfill supervision requirements for achieving the LCSW; a Licensed Clinical Social Worker who is a Council-approved supervisor delivers this supervision;

781.302 Practice of Social Work (amended)

Amended: February 4, 2021

Description: Practice of Master's Social Work--Applying social work theory, knowledge, methods and ethics and the professional use of self to restore or enhance social, psychosocial, or bio-psychosocial functioning of individuals, couples, families, groups, organizations and communities. An LMSW may practice clinical social work in an agency employment setting under clinical supervision, under a supervision plan, or under contract with an agency when under a clinical supervision plan. Master's Social Work practice may include applying specialized knowledge and advanced practice skills in assessment, treatment, planning, implementation and evaluation, case management, mediation, counseling, supportive counseling, direct practice, information and referral, supervision, consultation, education, research, advocacy, community organization and developing, implementing and administering policies, programs and activities. An LMSW may engage in Baccalaureate Social Work practice.

A licensee who is not recognized for independent practice or who is not under a non-clinical supervision plan must not engage in any independent practice that falls within the definition of social work practice in §781.102 of this title (relating to Definitions) without being licensed and recognized by the Council, unless the person is licensed in another profession and acting solely within the scope of that license. If the person is practicing professionally under another license, the person may not use the titles "licensed clinical social worker," "licensed master social worker," "licensed social worker," or "licensed baccalaureate social worker," or any other title or initials that imply social work licensure unless one holds the appropriate license or independent practice recognition.

An LBSW or LMSW who is not recognized for independent practice may practice for remuneration in a direct employment or agency setting but may not work independently, bill directly to patients or bill directly to third party payers, unless the LBSW or LMSW is under a formal supervision plan.

781.303 General Standards of Practice

Adopted: February 2023

Description: This adopted amendment is made to better align this rule with the statutory right and duties listed in Sections 151.001, 153.132, and 153.371 of the Family Code.

(9) shall ensure that the client or a legally authorized person representing the client has signed a consent for services. A licensee shall obtain and keep a copy of the relevant portions of any court order, divorce decree, power of attorney, or letters of guardianship authorizing the individual to provide substitute consent on behalf of the minor or ward.

781.304 Relationships With Clients

Amended: November 23, 2022

Description: The social worker shall not give or receive a commission, rebate, or any other form of remuneration for referring clients. (simplified statement)

781.312 Licensees and the Council (amended)

Amended: June 1, 2021

Description: Any person licensed as a social worker is bound by the provisions of the Act and this chapter and Council rules and statutes. A social worker shall report alleged misrepresentations or violations of this chapter to the Council.

781.401 Qualifications for Licensure (amended)

Amended: February 4, 2021

Description: LCSW Licensure. The following education and experience is required for licensure as designated. If an applicant for a license has held a substantially equivalent license in good standing in another jurisdiction for one year immediately preceding the date of application, the applicant will be deemed to have met the experience requirement under this chapter.

Has had 3000 hours of supervised professional clinical experience over a period of 24 to 48 months, or its equivalent if the experience was completed in another jurisdiction. professional experience must comply with §781.404 of this title (relating to Recognition as a Council-approved Supervisor and the Supervision Process) and all other applicable laws and rules.

Has had a minimum of 100 hours of supervision, over the course of the 3000 hours of experience, with a Council-approved supervisor. Supervised experience must have occurred within the five calendar years immediately preceding the date of LCSW application. If the social worker completed supervision in another jurisdiction, the social worker shall have the supervision verified by the regulatory authority in the other jurisdiction. If such verification is impossible, the social worker may request that the Council accept alternate verification of supervision.

LMSW-AP (Advanced Practitioner)

While fully licensed as a social worker, has had 3000 hours of supervised professional non-clinical social work experience over a period of 24 to 48 months, or its equivalent if the experience was completed in another jurisdiction. Supervised professional experience must comply with §781.404 of this title and all other applicable laws and rules.

Has had a minimum of 100 hours of supervision, over the course of the 3000 hours of experience, with a Council-approved supervisor. Supervised experience must have occurred within the five calendar years immediately preceding the date of LMSW-AP application. If supervision was completed in another jurisdiction, the social worker must have the supervision verified by the regulatory authority in the other jurisdiction. If such verification is impossible, the social worker may request that the Council accept alternate verification of supervision.

Independent Non-clinical Practice

While fully licensed as a social worker has had 3000 hours of Council-approved supervised full-time social work experience over a minimum two-year period, but within a maximum five-year period or its equivalent if the experience was completed in another state. Supervised professional experience must comply with §781.404 of this title and all other applicable laws and rules.

Has had a minimum of 100 hours of supervision, over the course of the 3000 hours of experience, with a Council-approved supervisor. ~~Supervised experience must have occurred within the 5 calendar years immediately preceding the date of application for IPR specialty recognition.~~ If supervision was completed in another jurisdiction, the social worker shall have the supervision verified by the regulatory authority in the other jurisdiction. If such verification is impossible, the social worker may request that the Council accept alternate verification.

781.401 Qualifications for Licensure (amended)

Amended: November 23, 2022

Removed: Supervised experience must have occurred within the 5 calendar years immediately preceding the date of application for IPR specialty recognition.

781.401 Qualifications for Licensure

Adopted to be effective: February 27, 2022

Description: (B) Has had 3000 hours of supervised professional clinical experience over a period of 24 to 48 months, or its equivalent if the experience was completed in another jurisdiction. Hours accrued in non-clinical settings may be used to satisfy the requirements of this rule if the applicant works at least 4 hours per week providing clinical social work as defined in 781.102 of this title (relating to definitions).

(C) Has had a minimum of 100 hours of supervision, over the course of the 3000 hours of supervised experience, with a Council-approved supervisor. If the social worker completed supervision in another jurisdiction, the social worker shall have the supervision verified by the regulatory authority in the other jurisdiction. If such verification is impossible, the social worker may request that the Council accept alternate verification of supervision.

(B) Specialty Recognition. The following education and experience is required for Independent non-clinical practice specialty recognitions.

781.402 Clinical Supervision for LCSW and Non-Clinical Supervision for Independent Practice recognition (amended)

Amended: February 4, 2021

Description: To accrue supervised clinical experience required for the issuance of a LCSW:

- (1) an LMSW shall complete a supervision plan form prescribed by the Council, or a form with substantially equivalent information, and signed by both the LMSW and the Council-approved clinical supervisor;
- (2) the Council-approved clinical supervisor shall keep a supervision file on the LMSW that includes the supervision plan, list of locations where the LMSW provides supervised clinical services, and a log of clinical experience and supervision earned by the LMSW;
- (3) the Council-approved clinical supervisor shall submit a completed and signed supervision verification form prescribed by the Council when the LMSW submits an application for re-categorization; and
- (4) the LMSW shall submit an application for re-categorization of his or her licensure to LCSW upon fulfillment of the supervision requirements.

(d) To accrue supervised experience required for an LBSW or an LMSW to apply for Independent Practice Recognition the LBSW or LMSW shall:

- (1) complete a supervision plan form prescribed by the Council, or a form with substantially equivalent information, and signed by both the LBSW or LMSW and the Council-approved supervisor;
- (2) the Council-approved supervisor shall keep a supervision file on the LBSW or LMSW that includes the supervision plan, list of locations where the LBSW or LMSW provides supervised services, and a log of experience and supervision earned by the LBSW or LMSW;
- (3) the Council-approved supervisor shall submit a completed and signed supervision verification form prescribed by the Council when the LBSW or LMSW submits an application for Independent Practice Recognition; and
- (4) submit an application for Independent Practice Recognition upon fulfillment of the supervision requirements.

(f) This rule shall apply to all pending applications, supervision plans awaiting review or previously approved, as well as all future applications filed with the Council.

781.403 Independent Practice Recognition (Non-Clinical) (amended)

Amended: February 4, 2021

Description: (a) An LBSW or LMSW who seeks to obtain ~~Council approval~~ for the specialty recognition of independent non-clinical practice shall meet requirements and parameters set by the Council in §781.401 of this title (relating to Qualifications for Licensure).

(g) An LBSW or LMSW may practice independently when the LMSW or LBSW holds the independent practice specialty recognition, or when under a supervision plan for independent practice but the Council-approved supervisor is still responsible for the acts or omissions of the supervisee while providing services under the supervision plan

781.404 Recognition as a Council-approved Supervisor and the Supervision Process (amended)

Amended: February 4, 2021

Description: (b) A person who wishes to be a Council-approved supervisor must file an application and pay the applicable fee.

(3) clinical supervision of a Licensed Master Social Worker, who is providing clinical services and is under a supervision plan to fulfill supervision requirements for achieving the LCSW; a Licensed Clinical Social Worker who is a Council-approved supervisor delivers this supervision;

(10) A Council-approved supervisor who wishes to provide any form of supervision or Council-ordered supervision must comply with the following:

(D) Before entering into a supervisory plan, the supervisor shall be aware of all conditions of exchange with the clients served by her or his supervisee. The supervisor shall not provide supervision if the supervisee is practicing outside the authorized scope of the license. If the supervisor believes that a social worker is practicing outside the scope of the license, the supervisor shall make a report to the Council.

(Q) All Council-approved supervisors shall have taken a Council-approved supervision training course by January 1, 2014 in order to renew Council-approved supervisor status. The Council recognizes that many licensees have had little, if any, formal education about supervision theories, strategies, problem-solving, and accountability, particularly LBSWs who may supervise licensees toward the IPR. Though some supervisors have functioned as employment supervisors for some time and have acquired practical knowledge, their practical supervision skills may be focused in one practice area, and may not include current skills in various supervision methods or familiarity with emerging supervisory theories, strategies, and regulations. Therefore, the Council values high-quality, contemporary, multi-modality supervision training to ensure that all supervisors have refreshed their supervisory skills and knowledge in order to help supervisees practice safely and effectively.

(D) The Council considers supervision toward licensure or specialty recognition to be supervision which promotes professional growth. Therefore, all supervision formats must encourage clear, accurate communication between the supervisor and the supervisee, including case-based communication that meets standards for confidentiality. Though the Council favors supervision formats in which the supervisor and supervisee are in the same geographical place for a substantial part of the supervision time, the Council also recognizes that some current and future technology, such as using reliable, technologically-secure computer cameras and microphones, can allow personal face-to-face, though remote, interaction, and can support professional growth. Supervision formats must be clearly described in the supervision plan, explaining how the supervision strategies and methods of delivery meet the supervisee's professional growth needs and ensure that confidentiality is protected.

(H) Supervised professional experience required for licensure must comply with §781.401 of this title (relating to Qualifications for Licensure) and §781.402 of this title (relating to Clinical Supervision for LCSW and Non-Clinical Supervision for LMSW-AP and Independent Practice Recognition) of this title and all other applicable laws and rules.

781.404 Recognition as a Council-approved supervisor and the Supervision Process

Adopted to be effective: February 27, 2022

Description: (A) An LCSW may supervise clinical experience toward the LCSW license, non-clinical experience toward the Independent Practice Recognition (non-clinical), and Council-ordered probated suspension;

(B) An LMSW-AP may supervise non-clinical experience toward the non-clinical Independent Practice Recognition; and Council-ordered probated suspension for non-clinical practitioners;

(C) Supervision shall occur in proportion to the number of actual hours worked for the 3,000 hours of supervised experience. No more than 10 hours of supervision may be counted in any one month, or 30-day period, as appropriate, towards satisfying minimum requirements for licensure or specialty recognition.

(E) Supervision toward licensure or specialty recognition must extend over a full 3000 hours over a period of not less than 24 full months and a period of not more than 48 full months for LCSW or not more than 60 full months for Independent Practice Recognition (IPR). Even if the individual completes the minimum of 3000 hours of supervised experience and minimum of 100 hours of supervision prior to 24 months from the start date of supervision, supervision which meets the Council's minimum requirements shall extend to a minimum of 24 full months. [

781.404 Recognition as a Council-approved supervisor and the Supervision Process

Adopted to be effective: September 21, 2022

Description: (b)(4) The Council-approved supervisor must submit required documentation and fees to the Council.

(5) When a licensee is designated Council-approved supervisor, he or she may perform the following supervisory functions:

(A) An LCSW may supervise clinical experience toward the LCSW license, non-clinical experience toward the Independent Practice Recognition (non-clinical), and Council-ordered probated suspension.

(B) An LMSW-AP may supervise non-clinical experience toward the non-clinical Independent Practice Recognition; and Council-ordered probated suspension for non-clinical practitioners.

(C) An LMSW with the Independent Practice Recognition (non-clinical) who is a Council-approved supervisor may supervise an LBSW's or LMSW's non-clinical experience toward the non-clinical Independent Practice Recognition; and an LBSW or LMSW (non-clinical) under Council-ordered probated suspension.

(D) An LBSW with the non-clinical Independent Practice Recognition who is a Council-approved supervisor may supervise an LBSW's non-clinical experience toward the non-clinical Independent Practice Recognition; and an LBSW under Council-ordered probated suspension.

(6) The approved supervisor must renew the approved supervisor status in conjunction with the biennial license renewal. The approved supervisor may surrender supervisory status by documenting the choice on the appropriate Council renewal form and subtracting the supervisory renewal fee from the renewal payment. If a licensee who has surrendered supervisory status desires to regain supervisory status, the licensee must reapply and meet the current requirements for approved supervisor status.

(7) A supervisor must maintain the qualifications described in this section while he or she is providing supervision.

(8) A Council-approved supervisor who wishes to provide any form of supervision or Council-ordered supervision must comply with the following:

(A) The supervisor is obligated to keep legible, accurate, complete, signed supervision notes and must be able to produce such documentation for the Council if requested. The notes shall document the content, duration, and date of each supervision session.

(B) A social worker may contract for supervision with written approval of the employing agency. A copy of the approval must accompany the supervisory plan submitted to the Council.

(C) A Council-approved supervisor may not charge or collect a fee or anything of value from his or her employee or contract employee for the supervision services provided to the employee or contract employee.

(D) Before entering into a supervisory plan, the supervisor shall be aware of all conditions of exchange with the clients served by her or his supervisee. The supervisor shall not provide supervision if the supervisee is practicing outside the authorized scope of the license. If the supervisor believes that a social worker is practicing outside the scope of the license, the supervisor shall make a report to the Council.

(E) A supervisor shall not be employed by or under the employment supervision of the person who he or she is supervising.

(F) A supervisor shall not be a family member of the person being supervised.

(G) A supervisee must have a clearly defined job description and responsibilities.

(H) A supervisee who provides client services for payment or reimbursement shall submit billing to the client or third-party payers which clearly indicates the services provided and who provided the services, and specifying the supervisee's licensure category and the fact that the licensee is under supervision.

(I) If either the supervisor or supervisee has an expired license or a license that is revoked or suspended during supervision, supervision hours accumulated during that time will be accepted only if the licensee appeals to and receives approval from the Council.

(J) A licensee must be a current Council-approved supervisor in order to provide professional development supervision toward licensure or specialty recognition, or to provide Council-ordered supervision to a licensee. Providing supervision without having met all requirements for current, valid Council-approved supervisor status may be grounds for disciplinary action against the supervisor.

(K) The supervisor shall ensure that the supervisee knows and adheres to Subchapter B, Rules of Practice, of this Chapter.

(L) The supervisor and supervisee shall avoid forming any relationship with each other that impairs the objective, professional judgment and prudent, ethical behavior of either.

(M) Should a supervisor become subject to a Council disciplinary order, that person is no longer a Council-approved supervisor and must so inform all supervisees, helping them to find alternate supervision. The person may reapply for Council-approved supervisor status by meeting the terms of the disciplinary order and having their license in good standing, in addition to submitting an application for Council-approved supervisor, and proof of completion of a 40-hour Council-approved supervisor training course, taken no earlier than the date of execution of the Council order.

(N) The Council may deny, revoke, or suspend Council-approved supervisory status for violation of the Act or rules. Continuing to supervise after the Council has denied, revoked, or

suspended Council-approved supervisor status, or after the supervisor's supervisory status expires, may be grounds for disciplinary action against the supervisor.

(O) If a supervisor's Council-approved status is expired, suspended, or revoked, the supervisor shall refund all supervisory fees the supervisee paid after the date the supervisor ceased to be Council-approved.

(P) A supervisor is responsible for developing a well-conceptualized supervision plan with the supervisee, and for updating that plan whenever there is a change in agency of employment, job function, goals for supervision, or method by which supervision is provided.

(Q) All Council-approved supervisors shall have taken a Council-approved supervision training course by January 1, 2014 in order to renew Council-approved supervisor status. The Council recognizes that many licensees have had little, if any, formal education about supervision theories, strategies, problem-solving, and accountability, particularly LBSWs who may supervise licensees toward the IPR. Though some supervisors have functioned as employment supervisors for some time and have acquired practical knowledge, their practical supervision skills may be focused in one practice area, and may not include current skills in various supervision methods or familiarity with emerging supervisory theories, strategies, and regulations. Therefore, the Council values high-quality, contemporary, multi-modality supervision training to ensure that all supervisors have refreshed their supervisory skills and knowledge in order to help supervisees practice safely and effectively.

(9) A Council-approved supervisor who wishes to provide supervision towards licensure as an LCSW or towards specialty recognition in Independent Practice (IPR) or Advanced Practitioner (LMSW-AP), which is supervision for professional growth, must comply with the following:

(A) Supervision toward licensure or specialty recognition may occur in one-on-one sessions, in group sessions, or in a combination of one-on-one and group sessions. Session may transpire in the same geographic location, or via audio, web technology or other electronic supervision techniques that comply with HIPAA and Texas Health and Safety Code, Chapter 611, and/or other applicable state or federal statutes or rules.

(B) Supervision groups shall have no fewer than two members and no more than six.

(C) Supervision shall occur in proportion to the number of actual hours worked for the 3,000 hours of supervised experience. No more than 10 hours of supervision may be counted in any one month, or 30-day period, as appropriate, towards satisfying minimum requirements for licensure or specialty recognition.

(D) The Council considers supervision toward licensure or specialty recognition to be supervision which promotes professional growth. Therefore, all supervision formats must encourage clear, accurate communication between the supervisor and the supervisee, including case-based communication that meets standards for confidentiality. Though the Council favors supervision formats in which the supervisor and supervisee are in the same geographical place for a substantial part of the supervision time, the Council also recognizes that some current and future technology, such as using reliable, technologically secure computer cameras and microphones, can allow personal face-to-face, though remote, interaction, and can support professional growth. Supervision formats must be clearly described in the supervision plan, explaining how the supervision strategies and methods of delivery meet the supervisee's professional growth needs and ensure that confidentiality is protected.

(E) Supervision toward licensure or specialty recognition must extend over a full 3000 hours over a period of not less than 24 full months and a period of not more than 48 full months for LCSW or not more than 60 full months for Independent Practice Recognition (IPR). Even if the

individual completes the minimum of 3000 hours of supervised experience and minimum of 100 hours of supervision prior to 24 months from the start date of supervision, supervision which meets the Council's minimum requirements shall extend to a minimum of 24 full months.

(F) The supervisor and the supervisee bear professional responsibility for the supervisee's professional activities.

(G) If the supervisor determines that the supervisee lacks the professional skills and competence to practice social work under a regular license, the supervisor shall develop and implement a written remediation plan for the supervisee.

(H) Supervised professional experience required for licensure must comply with §781.401 of this title (relating to Qualifications for Licensure) and §781.402 of this title (relating to Clinical Supervision for LCSW and Non-Clinical Supervision for Independent Practice Recognition) of this title and all other applicable laws and rules.

(10) A Council-approved supervisor who wishes to provide supervision required as a result of a Council order must comply with this title, all other applicable laws and rules, and/or the following.

(A) A licensee who is required to be supervised as a condition of initial licensure, continued licensure, or disciplinary action must:

(i) submit one supervisory plan for each practice location to the Council for approval by the Council or its designee within 30 days of initiating supervision;

(ii) submit a current job description from the agency in which the social worker is employed with a verification of authenticity from the agency director or his or her designee on agency letterhead or submit a copy of the contract or appointment under which the licensee intends to work, along with a statement from the potential supervisor that the supervisor has reviewed the contract and is qualified to supervise the licensee in the setting;

(iii) ensure that the supervisor submits reports to the Council on a schedule determined by the Council. In each report, the supervisor must address the supervisee's performance, how closely the supervisee adheres to statutes and rules, any special circumstances that led to the imposition of supervision, and recommend whether the supervisee should continue licensure. If the supervisor does not recommend the supervisee for continued licensure, the supervisor must provide specific reasons for not recommending the supervisee. The Council may consider the supervisor's reservations as it evaluates the supervision verification the supervisee submits; and

(iv) notify the Council immediately if there is a disruption in the supervisory relationship or change in practice location and submit a new supervisory plan within 30 days of the break or change in practice location.

(B) The supervisor who agrees to provide Council-ordered supervision of a licensee who is under Council disciplinary action must understand the Council order and follow the supervision stipulations outlined in the order. The supervisor must address with the licensee those professional behaviors that led to Council discipline, and must help to remediate those concerns while assisting the licensee to develop strategies to avoid repeating illegal, substandard, or unethical behaviors.

(C) Council-ordered and mandated supervision timeframes are specified in the Council order

781.406 Required Documentation of Qualifications for Licensure (amended)

Amended: February 4, 2021

Description: (1) An applicant's experience for licensure or for specialty recognition must meet the requirements of §781.401 of this title (relating to Qualifications for Licensure), §781.402 of

this title (relating to Clinical Supervision for LCSW and Non-Clinical Supervision for Independent Practice Recognition), and §781.404 of this title (relating to Recognition as a Council-approved Supervisor and the Supervision Process). The applicant must document the names and addresses of supervisors; beginning and ending dates of supervision; job description; and average number of hours of social work activity per week. The applicant must further document the appropriate supervision plan and verification form.

781.406 Required Documentation of Qualifications for Licensure

Adopted to be effective: February 27, 2022

Removed: November 23, 2022

~~(3) Supervised experience must have occurred within the five calendar years immediately preceding the date of an initial or upgrade application.~~

781.412 Examination Requirement

Adopted to be effective: February 27, 2022

Description: (B) Applicants must have received a passing score on the ASWB national examination within the two-year period preceding the date of the initial or upgrade application. The Council will not accept an exam score received more than two years prior to the date of the initial or upgrade application.

781.420. Licensing of Persons with Criminal Convictions

Adopted to be effective: February 4, 2021

Description: Licensing of Persons with Criminal Convictions. The following felonies and misdemeanors directly relate to the duties and responsibilities of a licensee:

- (1) offenses listed in Article 42A.054 of the Code of Criminal Procedure;
- (2) a sexually violent offense, as defined by Article 62.001 of the Code of Criminal Procedure;
- (3) any felony offense wherein the judgment reflects an affirmative finding regarding the use or exhibition of a deadly weapon;
- (4) any criminal violation of Chapter 505 (Social Work Practice Act) of the Occupations Code;
- (5) any criminal violation of Chapter 35 (Insurance Fraud) or Chapter 35A (Medicaid Fraud) of the Penal Code;
- (6) any criminal violation involving a federal health care program, including 42 USC Section 1320a-7b (Criminal penalties for acts involving Federal health care programs);
- (7) any offense involving the failure to report abuse or neglect;
- (8) any state or federal offense not otherwise listed herein, committed by a licensee while engaged in the practice of social work;
- (9) any criminal violation of Section 22.041 (abandoning or endangering a child) of the Penal Code;
- (10) any criminal violation of Section 21.15 (invasive visual recording) of the Penal Code;
- (11) any criminal violation of Section 43.26 (possession of child pornography) of the Penal Code;

- (12) any criminal violation of Section 22.04 (injury to a child, elderly individual, or disabled individual) of the Penal Code;
- (13) three or more drug or alcohol related convictions within the last 10 years, evidencing possible addiction that will have an effect on the licensee's ability to provide competent services; and
- (14) any attempt, solicitation, or conspiracy to commit an offense listed herein.

781.501 Requirements for Continuing Education

Adopted to be effective: September 21, 2022

Description: (a) Minimum Continuing Education Hours Required:

(1) A licensee must complete 30 hours of continuing education during each renewal period that they hold a license. The 30 hours of continuing education must include 6 hours in ethics and 3 hours in cultural diversity or competency.

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

(b) Special Continuing Education Requirements.

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

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

(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 social work;

(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 social work;

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

(3) Except for hours claimed under subsection (h), all continuing education hours obtained must be designated by the provider in a letter, email, certificate, or transcript that displays the licensee's name, topic covered, date(s) of training, and hours of credit earned; 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 that is Council-approved supervisor; or
 - (7) 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) Passage of the jurisprudence examination. Licensees who pass the jurisprudence examination may claim 1 hour of continuing education in ethics.
 - (2) Preparing and giving a presentation at a continuing education activity. The maximum number of hours that may be claimed for this activity is 5 hours.
 - (3) Authoring a book or peer reviewed article. The maximum number of hours that may be claimed for this activity is 5 hours.
 - (4) Teaching or attending a university or college level course. The maximum number of hours that may be claimed for this activity is 5 hours.
 - (5) Self-study. The maximum number of hours that may be claimed for this activity is 1 hour. 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 social work. Time spent individually viewing or listening to audio, video, digital, or print media as part of an organized continued education activity, program or offering from a third-party is not subject to this self-study limitation and may count as acceptable continuing education under other parts of this rule.
 - (6) Successful completion of a training course on human trafficking prevention described by §116.002 of the Occupations Code. Licensees who complete this training may claim 1 hour of continuing education credit.
- (i) The Council does not pre-evaluate or pre-approve continuing education providers or hours.
- (j) Licensees shall maintain proof of continuing education compliance for a minimum of 3 years after the applicable renewal period.

781.508 Hour Requirements for Continuing Education

Repeal to be effective: September 21, 2022

781.509 Types of Acceptable Continuing Education

Repeal to be effective: September 21, 2022

781.510 Activities Unacceptable as Continuing Education

Repeal to be effective: September 21, 2022

781.514 Credit Hours Granted

Repeal to be effective: September 21, 2022

781.803. Severity Levels (amended)

Amended: June 1, 2021; November 23, 2022

Description: The following are severity levels for the schedule of sanctions.

(1) Level One--Revocation of license. These violations evidence the licensee's intentional or gross misconduct, cause or pose a high degree of harm to the public, and/or require severe punishment to deter the licensee, or other licensees. The fact that a license is ordered revoked does not necessarily mean the licensee can never regain licensure. The Council may also impose an administrative penalty of not less than \$250 or more than \$5,000 for each Level One violation. Each day a violation continues or occurs is a separate violation for the purpose of imposing a financial penalty.

(2) Level Two--Suspension of license. These violations involve less misconduct, harm, or need for deterrence than Level One violations. The Council may also impose an administrative penalty of not less than \$250 or more than \$5,000 for each Level Two violation. Each day a violation continues or occurs is a separate violation for the purpose of imposing a penalty.

(4) Level Three--Probated suspension of license. These violations do not involve enough harm, misconduct, or need for deterrence to warrant suspension of licensure, yet are severe enough to warrant monitoring of the licensee to ensure future compliance. The Council may also impose an administrative penalty of not less than \$250 or more than \$5,000 for each Level Three violation. Each day a violation continues or occurs is a separate violation for the purpose of imposing a penalty.

(5) Level Four--Reprimand. These violations involve minor misconduct not directly involving the health, safety or welfare of the particular member of the public at issue. The Council may also impose an administrative penalty of not less than \$250 or more than \$5,000 for each Level Four violation. Each day a violation continues or occurs is a separate violation for the purpose of imposing a penalty.

781.805. Schedule of Sanctions (amended)

Amended: June 1, 2021

Repealed: November 23, 2022

Description: The following standard sanctions shall apply to violations of the Act and these rules. The prior rule had included the sanctions for the failure to report any and all employment setting changes to the Council within 30 days. Previously included in rule 781.312, which was amended as well.