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## Guidelines for Technology-Assisted Services

The delivery of technology-assisted services – “Providing therapy or supervision with technologies and devices for electronic communication and information exchange between a licensee in one location and a client or supervisee in another location” [22 TAC §801.2] – is a rapidly expanding area. While the Council’s rules do not prohibit such services, it is important for licensees to be aware of several concerns about the delivery of services via remote or electronic means, including the following:

1. The increased potential that a therapist will have limited knowledge of a distant community’s resources in times of crisis.
2. Problems associated with obtaining informed consent.
3. The lack of standards for training providers in the use of technology as well as the special therapeutic considerations in the use of the medium.
4. The lack of vocal, visual, and other sensory cues.
5. The potential that equipment failures may lead to undue client anxiety.
6. The potential inability of clients, who are unfamiliar with technology, to adequately access and use the technology.
7. The lack of confidentiality and privacy.

It is important to remember that the Licensed Marriage and Family Therapist Act (the Act) and all other laws affecting the delivery of professional services apply to all professional services delivered anywhere within the state of Texas, regardless of how they are delivered.

Complaints received by the Council regarding technology-assisted services will be evaluated by the Council on a case-by-case basis, and the following general principles will be applied to any such complaints. However, these guidelines are not intended to conflict with, nor should they be construed to alter requirements for the delivery of technology-assisted services that have been established by exempt facilities such as the Veterans Administration.

An individual, who is physically located in another state, shall be considered to be practicing in Texas and therefore, subject to the Act, if a recipient of services provided by the individual is physically located in the state of Texas. Licensees should also be aware that services they offer to consumers in other states may similarly be regulated by the laws of the state in which the consumers are located.

The Council currently considers the use of technology-assisted services as an “emerging area” per Council rule 22 TAC §801.44(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.” This rule requires that licensees, who provide services in new areas or involving new techniques, do so only after undertaking appropriate study, training, supervision, and/or consultation from persons who are competent in those areas or techniques.

It is important for licensees considering such services to review the characteristics of the services, the service delivery method, and the provisions for confidentiality to ensure compliance with the Council rules, as well as federal and state law. Licensees should review [all Council rules](#), particularly [22 TAC §801.58 Technology-Assisted Services](#), for enforceable minimum standards of practice. Licensees are also encouraged to review the [Teletherapy & Telesupervision Guidelines II \(August 2021\)](#) published by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB), and incorporate those best practices where congruent with federal and state law.