



# Texas Ethics: 2023 Update for LPC, LMFT, and LSW

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# Learning Objectives

1

Select from five moral decision-making models to use with ethical dilemmas

2

Describe Texas Ethics rules, code of ethics, and “How To” user guides for LPC, LMFT, and LSW licenses

3

Evaluate personal professional practices with current rules, recommendations, and guidelines



1

Select from five moral  
decision-making models to use  
with ethical dilemmas

Identity 1-2 situations you have encountered in the field that caused you significant distress.

# Ethical Decision-Making

- Most dilemmas are not right vs. wrong, but right vs. right dilemmas
- It is right to respect autonomy; it is right to prevent harm
- It is right to uphold confidentiality; it is right to protect the welfare of others

# Moral Paradigms

- **TRUTH VS. LOYALTY**  
Duty to paying parents vs. Duty to minor patient
- **INDIVIDUAL VS. COMMUNITY**  
Patient needs vs. Family needs
- **SHORT-TERM VS. LONG-TERM GOALS**  
Work demands vs. Family demands
- **JUSTICE VS. MERCY**  
Respect for autonomy vs. Respect for others

# Moral Paradigms Continued

➤ **CONFIDENTIALITY AND MANDATED REPORTING**



# **Five Decision- Making Models**



# Five Decision-Making Models

## 1. Standards-Based Model

Rules, laws, and policies provide the best basis for determining action

Steps:

- Determine dilemma
- Ethical standards
- Reason to deviate
- Decide on course of action

# Five Decision-Making Models

## 2. Principles-Based Model

### Clarify

- Determine dilemma
- Key ethical principles and values involved

### Evaluate

- Any ethical principles violated?
- Facts vs. Beliefs, Theories, Opinions
- Credibility of sources
- Weigh benefits, burdens, and risks

# Five Decision-Making Models

## 2. Principles-Based Model, continued

Decide

- Evaluate alternatives and determine consequences
- Prioritize ethical principles/values

Consider worst-case scenario and apply principles

- Implement
- Maximize benefits and minimize costs and risks
- Monitor and modify

# Five Decision-Making Models

## 3. Virtues-Based Model

Dispositions and habits allow us to act to the highest potential of our characters and on behalf of our values

- What kind of person will I become if I do this?
- Use virtues in considering options
- Make decisions

# Five Decision-Making Models

## 4. Moral Reasoning Model

Recognize moral issue

Make a judgment

Establish intent

- Individual and situational variables
- Factors of opportunity and significant others

# Five Decision-Making Models

## 4. Moral Reasoning Model, continued

Moral Intensity (effect of decision on others):

- Concentration of effect (individual or group)
- Probability of effect (likelihood of harm)
- Proximity (closeness to the issue)
- Social consensus (agreement with society)
- Temporal immediacy (closeness in time)
- Magnitude of consequence (impact)
- Act

# Five Decision-Making Models

## 5. Practice-Based Integrated Model

Recognize there is a dilemma

Determine the actor(s)

Gather the relevant facts

Test for right vs. wrong issues

Test for right vs. right paradigms

Determine resolution principles involved

- Ends-based
- Care-based
- Rule-based
- Virtue-based
- Justice- or fairness-based

# Five Decision-Making Models

## 5. Practice-Based Integrated Model, continued

Investigate possibilities for action

Consult

Weigh benefits and burdens

Consider additional dilemmas

Make the decision

Formulate a justification for the decision

- List reasons and arguments
- Recognize shortcomings



# Five Decision-Making Models

## 5. Practice-Based Integrated Model, continued

Anticipate objections

- Recognize limitations in perspective

Document

Review and reflect on decision

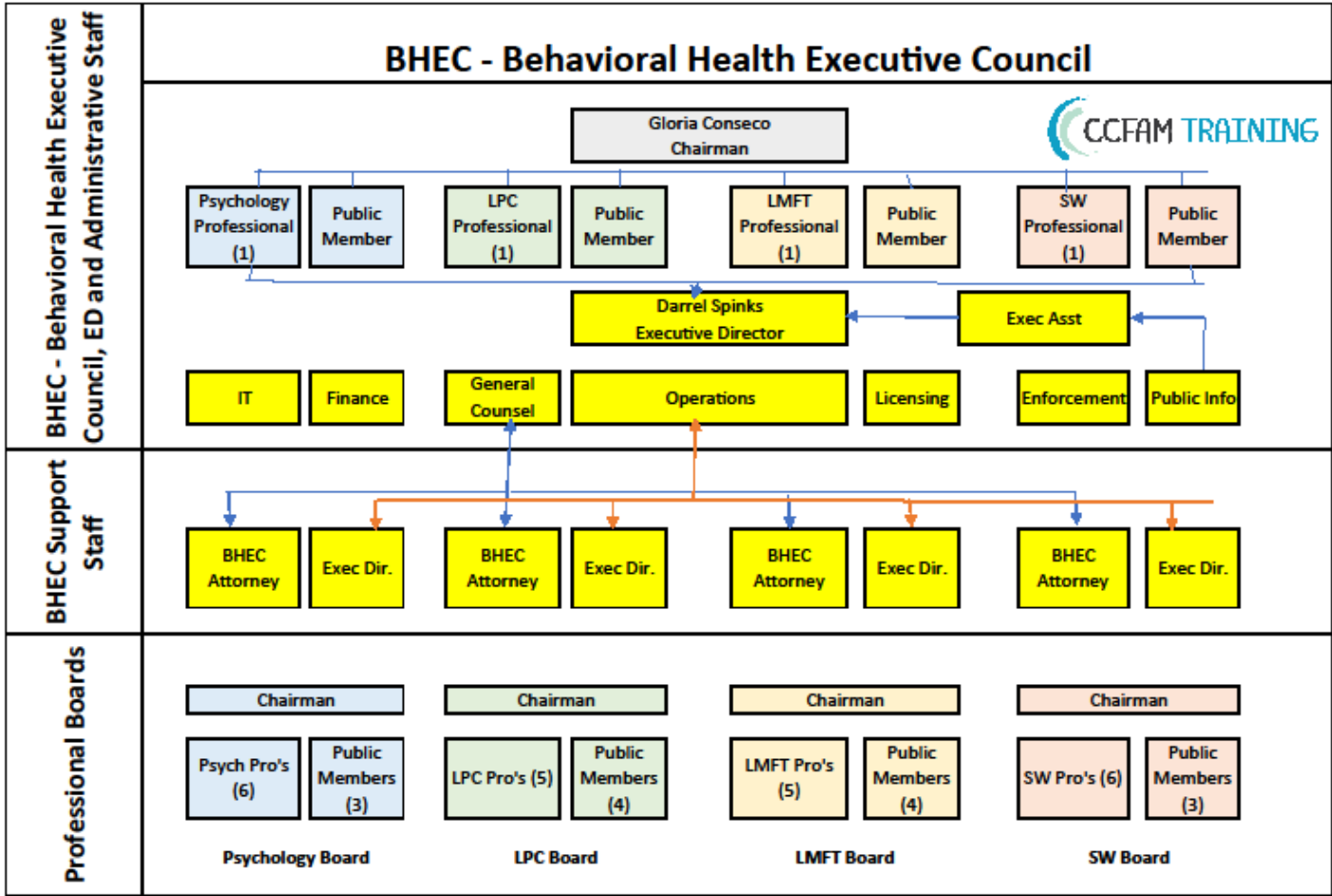
**Was there a model you  
identified using in the past or  
present?**


**Are you considering wanting to  
use a different model in the  
future?**



2

Describe Texas Ethics rules, code of ethics, and “How To” user guides for LPC, LMFT, and LSW licenses





**A licensee shall not require what COVID-19 related documentation in order for an individual to gain entry or receive services from the licensee?**

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Documentation certifying vaccination or post-transmission recovery



**All licensees are required to comply  
with what 2 types of statutes?**

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State and Federal – HIPAA Compliance



**When any licensee advertises his or her services, what kind of claim or statement must not appear in the advertisement?**

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False, deceptive, or misleading information



**Regarding qualifications and advertising, in what 3 areas must an LPC and LMFT licensee not cause confusion or misunderstanding?**

- 
- 1) credentials
  - 2) education
  - 3) licensure






**No licensee shall make false, misleading, or exaggerated claims regarding what types of entities?**


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Mental health organizations or agencies



**For LPC's and LMFT's, an informed consent or written receipt of information must be signed by the client. It must also include what 8 things?**

- 
- 1) fees,
  - 2) counseling goals,
  - 3) restrictions on the licensee,
  - 4) limits on confidentiality,
  - 5) using another individual to provide counseling,
  - 6) supervision of a licensee,
  - 7) the name, address, and phone number of the Council, and
  - 8) an established plan for custody and control of the client's mental health records



**A Social Worker's informed consent or written receipt of information must be signed by the client. It must also include what 4 things?**

- 
- 1) licensee's qualification,
  - 2) restrictions on the licensee by the Council,
  - 3) limits on confidentiality and privacy,
  - 4) fees and payment arrangements



## AUTHORIZATION TO DISCLOSE PROTECTED HEALTH INFORMATION

Developed for Texas Health & Safety Code § 181.154(d)  
effective June 2013

Please read this entire form before signing and complete all the sections that apply to your decisions relating to the disclosure of protected health information. Covered entities as that term is defined by HIPAA and Texas Health & Safety Code § 181.001 must obtain a signed authorization from the individual or the individual's legally authorized representative to electronically disclose that individual's protected health information. Authorization is not required for disclosures related to treatment, payment, health care operations, performing certain insurance functions, or as may be otherwise authorized by law. Covered entities may use this form or any other form that complies with HIPAA, the Texas Medical Privacy Act, and other applicable laws. Individuals cannot be denied treatment based on a failure to sign this authorization form, and a refusal to sign this form will not affect the payment, enrollment, or eligibility for benefits.

### NAME OF PATIENT OR INDIVIDUAL

Last \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_

OTHER NAME(S) USED \_\_\_\_\_

DATE OF BIRTH Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

PHONE (\_\_\_\_) \_\_\_\_\_ ALT. PHONE (\_\_\_\_) \_\_\_\_\_

EMAIL ADDRESS (Optional): \_\_\_\_\_

### I AUTHORIZE THE FOLLOWING TO DISCLOSE THE INDIVIDUAL'S PROTECTED HEALTH INFORMATION:

Person/Organization Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_

### WHO CAN RECEIVE AND USE THE HEALTH INFORMATION?

Person/Organization Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_) \_\_\_\_\_

### REASON FOR DISCLOSURE (Choose only one option below)

- Treatment/Continuing Medical Care
- Personal Use
- Billing or Claims
- Insurance
- Legal Purposes
- Disability Determination
- School
- Employment
- Other \_\_\_\_\_

**WHAT INFORMATION CAN BE DISCLOSED?** Complete the following by indicating those items that you want disclosed. The signature of a minor patient is required for the release of some of these items. If all health information is to be released, then check only the first box.

- |   |  |   |   |
|---|--|---|---|
| <input type="checkbox"/> All health information | <input type="checkbox"/> History/Physical Exam | <input type="checkbox"/> Past/Present Medications   | <input type="checkbox"/> Lab Results            |
| <input type="checkbox"/> Physician's Orders     | <input type="checkbox"/> Patient Allergies     | <input type="checkbox"/> Operation Reports          | <input type="checkbox"/> Consultation Reports   |
| <input type="checkbox"/> Progress Notes         | <input type="checkbox"/> Discharge Summary     | <input type="checkbox"/> Diagnostic Test Reports    | <input type="checkbox"/> EKG/Cardiology Reports |
| <input type="checkbox"/> Pathology Reports      | <input type="checkbox"/> Billing Information   | <input type="checkbox"/> Radiology Reports & Images | <input type="checkbox"/> Other _____            |

### Your initials are required to release the following information:

- |  |   |
|--|---|
| ____ Mental Health Records (excluding psychotherapy notes) | ____ Genetic Information (including Genetic Test Results) |
| ____ Drug, Alcohol, or Substance Abuse Records             | ____ HIV/AIDS Test Results/Treatment                      |

**EFFECTIVE TIME PERIOD.** This authorization is valid until the earlier of the occurrence of the death of the individual; the individual reaching the age of majority; or permission is withdrawn; or the following specific date (optional): Month \_\_\_\_\_ Day \_\_\_\_\_ Year \_\_\_\_\_

**RIGHT TO REVOKE:** I understand that I can withdraw my permission at any time by giving written notice stating my intent to revoke this authorization to the person or organization named under "WHO CAN RECEIVE AND USE THE HEALTH INFORMATION." I understand that prior actions taken in reliance on this authorization by entities that had permission to access my health information will not be affected.

**SIGNATURE AUTHORIZATION:** I have read this form and agree to the uses and disclosures of the information as described. I understand that refusing to sign this form does not stop disclosure of health information that has occurred prior to revocation or that is otherwise permitted by law without my specific authorization or permission, including disclosures to covered entities as provided by Texas Health & Safety Code § 181.154(c) and/or 45 C.F.R. § 164.502(a)(1). I understand that information disclosed pursuant to this authorization may be subject to re-disclosure by the recipient and may no longer be protected by federal or state privacy laws.

SIGNATURE X \_\_\_\_\_  
Signature of Individual or Individual's Legally Authorized Representative DATE \_\_\_\_\_

Printed Name of Legally Authorized Representative (if applicable): \_\_\_\_\_  
If representative, specify relationship to the individual:  Parent of minor  Guardian  Other \_\_\_\_\_

A minor individual's signature is required for the release of certain types of information, including for example, the release of information related to certain types of reproductive care, sexually transmitted diseases, and drug, alcohol or substance abuse, and mental health treatment (See, e.g., Tex. Fam. Code § 32.003).

SIGNATURE X \_\_\_\_\_  
Signature of Minor Individual DATE \_\_\_\_\_

## IMPORTANT INFORMATION ABOUT THE AUTHORIZATION TO DISCLOSE PROTECTED HEALTH INFORMATION

Developed for Texas Health & Safety Code § 181.154(d)  
effective June 2013

The Attorney General of Texas has adopted a standard Authorization to Disclose Protected Health Information in accordance with Texas Health & Safety Code § 181.154(d). This form is intended for use in complying with the requirements of the Health Insurance Portability and Accountability Act and Privacy Standards (HIPAA) and the Texas Medical Privacy Act (Texas Health & Safety Code, Chapter 181). Covered entities may use this form or any other form that complies with HIPAA, the Texas Medical Privacy Act, and other applicable laws.

Covered entities, as that term is defined by HIPAA and Texas Health & Safety Code § 181.001, must obtain a signed authorization from the individual or the individual's legally authorized representative to electronically disclose that individual's protected health information. Authorization is not required for disclosures related to treatment, payment, health care operations, performing certain insurance functions, or as may be otherwise authorized by law. (Tex. Health & Safety Code §§ 181.154(b),(c), § 241.153; 45 C.F.R. §§ 164.502(a)(1); 164.506, and 164.508).

The authorization provided by use of the form means that the organization, entity or person authorized can disclose, communicate, or send the named individual's protected health information to the organization, entity or person identified on the form, including through the use of any electronic means.

**Definitions** - In the form, the terms "treatment," "healthcare operations," "psychotherapy notes," and "protected health information" are as defined in HIPAA (45 CFR 164.501). "Legally authorized representative" as used in the form includes any person authorized to act on behalf of another individual. (Tex. Occ. Code § 151.002(6); Tex. Health & Safety Code §§ 166.164, 241.151; and Tex. Probate Code § 3(aa)).

**Health information to be Released** - If "All Health Information" is selected for release, health information includes, but is not limited to, all records and other information regarding health history, treatment, hospitalization, tests, and outpatient care, and also educational records that may contain health information. As indicated on the form, specific authorization is required for the release of information about certain sensitive conditions, including:

- Mental health records (excluding "psychotherapy notes" as defined in HIPAA at 45 CFR 164.501).
- Drug, alcohol, or substance abuse records.
- Records or tests relating to HIV/AIDS.
- Genetic (inherited) diseases or tests (except as may be prohibited by 45 C.F.R. § 164.502).

**Note on Release of Health Records** - This form is not required for the permissible disclosure of an individual's protected health information to the individual or the individual's legally authorized representative. (45 C.F.R. §§ 164.502(a)(1)(i), 164.524; Tex. Health & Safety Code § 181.102). If requesting a copy of the individual's health records with this form, state and federal law allows such access, unless such access is determined by the physician or mental health provider to be harmful to the individual's physical, mental or emotional health. (Tex. Health & Safety Code §§ 181.102, 611.0045(b); Tex. Occ. Code § 159.006(a); 45 C.F.R. § 164.502(a)(1)). If a healthcare provider is specified in the "Who Can Receive and Use The Health Information" section of this form, then permission to receive protected health information also includes physicians, other health care providers (such as nurses and medical staff) who are involved in the individual's medical care at that entity's facility or that person's office, and health care providers who are covering or on call for the specified person or organization, and staff members or agents (such as business associates or qualified services organizations) who carry out activities and purposes permitted by law for that specified covered entity or person. If a covered entity other than a healthcare provider is specified, then permission to receive protected health information also includes that organization's staff or agents and subcontractors who carry out activities and purposes permitted by this form for that organization. Individuals may be entitled to restrict certain disclosures of protected health information related to services paid for in full by the individual (45 C.F.R. § 164.522(a)(1)(vi)).

**Authorizations for Sale or Marketing Purposes** - If this authorization is being made for sale or marketing purposes and the covered entity will receive direct or indirect remuneration from a third party in connection with the use or disclosure of the individual's information for marketing, the authorization must clearly indicate to the individual that such remuneration is involved. (Tex. Health & Safety Code §§ 181.152, .153; 45 C.F.R. § 164.508(a)(3), (4)).

**Limitations of this form** - This authorization form shall not be used for the disclosure of any health information as it relates to: (1) health benefits plan enrollment and/or related enrollment determinations (45 C.F.R. § 164.508(b)(4)(ii), .508(c)(2)(ii)); (2) psychotherapy notes (45 C.F.R. § 164.508(b)(3)(ii), or for research purposes (45 C.F.R. § 164.508(b)(3)(i)).  
**Use of this form does not exempt any entity from compliance with applicable federal or state laws or regulations regarding access, use or disclosure of health information or other sensitive personal information (e.g., 42 CFR Part 2, restricting use of information pertaining to drug/alcohol abuse and treatment), and does not entitle an entity or its employees, agents or assigns to any limitation of liability for acts or omissions in connection with the access, use, or disclosure of health information obtained through use of the form.**

**Charges** - Some covered entities may charge a retrieval/processing fee and for copies of medical records. (Tex. Health & Safety Code § 241.154).


**Right to Receive Copy** - The individual and/or the individual's legally authorized representative has a right to receive a copy of this authorization.



**If an LPC or LMFT learns of a misrepresentation, exaggerated or false claim, or a false, deceptive, or fraudulent statement made about his or her services, what should be done?**

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Correct the statement  
(immediacy requirement removed in  
2021)



## If an SW learns of a misleading or exaggerated claim, what should be done?

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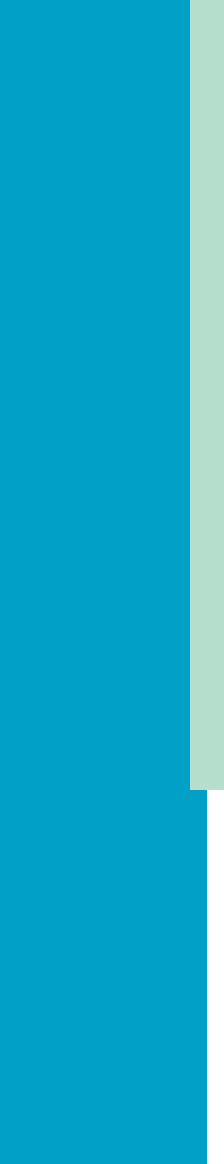
Take reasonable steps to correct claims, prevent their reoccurrence, and report the incident to the Council



**All licensees shall only provide services  
in the context of what type of  
relationship?**

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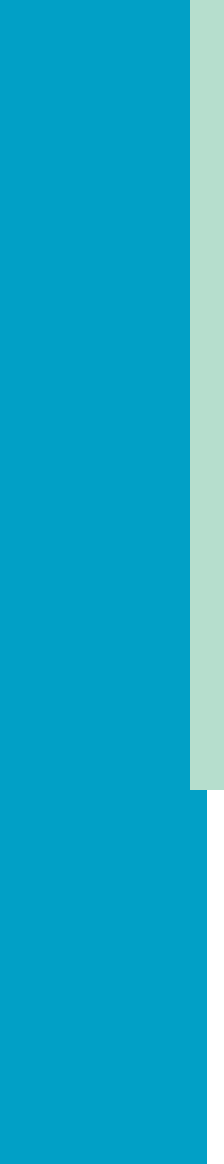
Professional relationship



## What 5 things shall be known in writing to a prospective client of an LMFT and SW as the important aspects of the professional relationship?

- 
- 1) licensee status (including restrictions),
  - 2) office procedures,
  - 3) after hours coverage,
  - 4) fees, and
  - 5) arrangements for payment






**Regarding new clients, all licensees shall not accept any remuneration from any person or firm for doing what?**

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Securing or soliciting clients for or from any health care professional



**No licensee shall engage in activities for the licensee's personal gain at whose expense?**

---


The client's



**What must an LPC licensee inform the client of if the licensee is promoting personal or business activities to a client regarding services or products?**

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The licensee's personal or business interest



**What must an SW and LPC not do in regards to personal or business activities not related to the current professional relationship?**

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Promote the activities



## What types of boundaries must licensees set and maintain?

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Professional boundaries



**According to the LPC rules, when can a non-therapeutic relationship begin between a licensee and a former client?**

---


Two years after the termination of counseling



**What kind of relationship shall an LMFT and SW licensee make reasonable efforts to avoid with clients or former clients?**

---

A non-therapeutic relationship




**How much time must pass after the end of the counseling relationship before an LPC may have sexual contact with a client?**

---

Five years





**If an LPC is in a non-therapeutic relationship with a former client and is following the 2-5 year guideline after counseling has ended, what must he or she be able to demonstrate?**


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That there is no exploitation, or that the relationship is not detrimental to the client



## All licensees shall not provide services to whom?

- 
- 1) family members,
  - 2) personal friends,
  - 3) education associates, or
  - 4) business associates... or others  
whose welfare might be jeopardized  
by such a dual relationship




**An LPC licensee shall not give or accept a gift, borrow or lend money, or accept payment in the form of goods or services from a client or relative of a client higher than what amount?**

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\$50


(no requirement for LMFT)



**An SW licensee shall not give or accept a gift with a value in excess of what amount?**


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\$25



## All licensees shall not enter into a non-professional relationship with what 3 types of people?


- 
- 1) family members, or any person with a
  - 2) personal or
  - 3) professional relationship with a client



**An LPC licensee may not intentionally borrow or lend money or items of value to whom?**

---

Clients or relatives of clients



**An SW licensee may not intentionally borrow or lend money or items of value to clients or relatives of the client who are to what degree of consanguinity or affinity?**

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Up to the 4<sup>th</sup> degree


Officer or Employee					
Consanguinity (Includes individuals related by blood to the Officer or Employee)			Affinity (Includes the Officer's or Employee's Spouse and individuals related to the Spouse)		
First Degree	Second Degree	Third Degree	First Degree	Second Degree	Third Degree
Father or Mother	Grandparents	Great Grandparents	Spouse	Grandparents	Great Grandparents
Son or Daughter (& Spouse)	Grandchildren (& Spouse)	Great Grandchildren (& Spouse)	Father or Mother	Grandchildren	Great Grandchildren
	Uncle or Aunt (& Spouse)	Great Uncle or Aunt (& Spouse)	Son or Daughter	Uncle or Aunt	Great Uncle or Aunt
	First Cousin (& Spouse)	Children of Great Uncle or Aunt (& Spouse)		First Cousin	Children of Great Uncle or Aunt
	Nephew or Niece (& Spouse)	Second Cousin (& Spouse)		Nephew or Niece	Second Cousin
	Brother or Sister (& Spouse)	Children of First Cousin (& Spouse)		Brother or Sister	Children of First Cousin
		Grand Nephew or Niece (& Spouse)			Grand Nephew or Niece





## What changes has the Council made to the rules regarding the issuance of emergency temporary licenses (in 2022)?

- 
- 1) The license no longer has to be renewed in 30-day increments.
  - 2) The license will expire upon the termination or suspension of the state of disaster.
  - 3) There is no fee for renewing the license (since renewal is no longer required).



**What must all licensees do before knowingly offering or providing professional services to an individual concurrently receiving services from another provider?**

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Request a release from the client to inform the other professional



## What 7 items must be included in an LPC's accurate records for each client?

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- 1) signed informed consent, written receipt of information, or copy of court order for involuntary treatment,
- 2) intake assessment,
- 3) dates of counseling treatment,
- 4) principal treatment methods,
- 5) progress notes,
- 6) treatment plan, and
- 7) billing information



## What 4 things must be included in an LMFT and SW licensee's accurate records of therapeutic services?


- 
- 1) dates of services,
  - 2) types of services,
  - 3) progress or case notes, and
  - 4) billing information



**All licensees shall ensure the subject in research does not suffer from what?**

---

Emotional or physical harm



**What state does not require a licensee to notify medical personnel and/or law enforcement when a client threatens harm to someone else?**

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Texas



## LPC Associates are now able to own what? (changed in 2022)

- 
- 1) client records, only if the associate is self-employed
  - 2) a private counseling practice, but cannot represent themselves as independent practitioners



## How does BHEC define independent practice for an LPC Associate?

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The practice of providing professional counseling services to a client without the supervision of an LPC-S





## LPC Associates may now receive what from clients? (changed in 2022)

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Direct payment



**Rather than a copy of his or her Associate's wall certificate, what must an LPC Supervisor keep for each Associate? (changed in 2022)**

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A copy of the online license verification



**If an LPC Supervisor has a supervisee who is self-employed, of what must the supervisor keep a record?**

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Acknowledgement of the LPC Associate's self-employment



## Who has full professional responsibility for the LPC Associate?

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Both the associate and supervisor bear responsibility (changed in 2022).

The supervisor is now liable for disciplinary action for professional violations by the associate only if the supervisor knew about the violation or was negligent.



## On what three things shall an LMFT and SW base his or her services to a client?

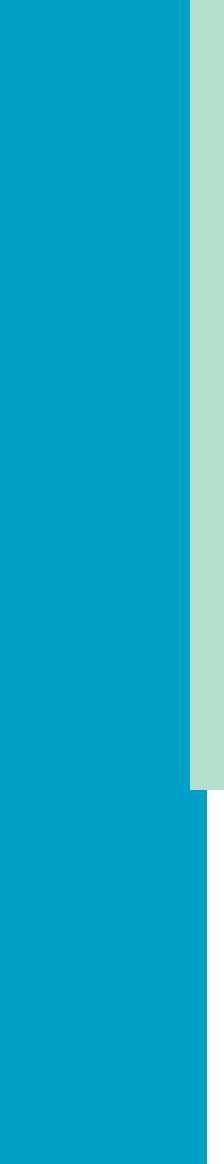
- 
- 1) assessment,
  - 2) diagnosis, and
  - 3) evaluation of the client



**Regarding treatment of a client, what shall an LMFT and SW licensee evaluate on a continuing basis?**

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Client's progress



**How long must all licensees hold records after the last contact with an adult client?**

---

7 years




## How long must accurate records be kept for a minor client of any licensee?

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5 years past the age of 18, or 7 years, whichever is longer





**For what three circumstances must all licensees have a plan established for the custody and control of all mental health records?**

- 
- 1) death,
  - 2) incapacity,
  - 3) termination of professional services



## What are all licensees allowed to bill clients or third parties for?

---


Services that are actually rendered or agreed to in writing



## What must an LPC do before modifying charges after the initiation of services?

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Notify the client by mutual written agreement



If a licensee determines that there is a probability of imminent physical injury by the client to the client or others, he or she may notify whom?

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Medical personnel or law enforcement



**What should all licensees do upon discovering any unlicensed practice of counseling by a person required to be licensed?**

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Report to the Council



**An LPC must disclose any relationship between him/herself and any other person used by the licensee to provide services on what document?**

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Billing document



**Upon the written request of a client, or client's guardian, or parent (if the client is a minor), what information must an LPC or SW provide on a bill or statement in plain language?**

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Types of treatment and charges for counseling treatment




## What is the Social Worker's responsibility if a client must barter for services?

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Ensure that the client is in no way harmed






## For a Social Worker licensee, what types of reasons cannot be used to refuse to work with a client?

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Age, gender, race, color, religion, national origin, disability, sexual orientation, gender identity, and political affiliation



**For a Licensed Clinical Social Worker applicant, how many of the 3000 hours of supervised professional clinical experience may be in non-clinical settings?**

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An unlimited number of hours, as long as the applicant works at least 4 hours per week providing clinical social work (changed in 2022)



**How long does a Social Worker applicant have to complete the 3000 hours of experience and 100 hours of supervision towards the LCSW recognition?**

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24 to 48 months

60 months for Independent Practice Recognition



## What changes has BHEC made for Licensed Clinical Social Workers regarding supervision requirements (in 2022)?

- 
- 1) There is no longer a base line requirement of 1 supervision hour for every 40 hours worked.
  - 2) There are no longer specific directions for how much supervision shall occur according to how many hours a supervisee works each week.



## What changes has BHEC made to the rules regarding Social Worker applicants who fail the ASWB national examination (in 2022)?

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Previously, applicants who failed the exam could only take it 2 additional times. This rule was removed.

# NEW RULES

Effective: February 2023

<https://www.bhec.texas.gov>

**Email\***

**First Name**

**Last Name**

**Lists\***

Email list for Texas State Board of Examiners of  
Professional Counselors (and BHEC)

Email list for Texas State Board of Examiners of  
Marriage and Family Therapists (and BHEC)

Email list for Texas State Board of Examiners of  
Psychologists (and BHEC)

Email list for Texas State Board of Social Worker  
Examiners (and BHEC)

## Step 1: Sign Up for Email Updates

<https://www.bhec.texas.gov>

## Step 2: Read BHEC or Board Meeting Agendas and Minutes, Attend a Board Meeting or Council Meeting Virtually, or Watch Afterward

<https://www.bhec.texas.gov>

Texas State Board of Examiners of Marriage and Family Therapists

Texas State Board of Examiners of Professional Counselors

Texas State Board of Examiners of Psychologists

Texas State Board of Social Worker Examiners

- Board News

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Stay Updated with Board Rules

After clicking on the page for your board, go to Board News



# Why Look at Proposed Rules?

Texas Register: <https://www.sos.state.tx.us/texreg/>

Current Issue

Previous Issue

Proposed Rules

## **681.91 LPC Associate License**

Adopted to be effective: February 27, 2022

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

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

# BHEC

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## 882.10 Applicants with Pending Complaints

Comment: The proposed repeal of this rule is necessary because it is proposed to be replaced with a new rule. The new rule will allow for the abeyance of an application up to 180 days when there is a pending complaint against the applicant that involves sexual misconduct or imminent physical harm to the public. All other applicants with complaints will have their applications processed as normal, the complaint will not impact the licensure application. The pending complaint will still be investigated and processed according to the normal route as well.

## ~~882.10. Applicants with Pending Complaints.~~

~~The Council may hold an application in abeyance up to 180 days if there is a complaint pending against the applicant concerning an alleged violation listed in §507.301 of the Occupations Code. A final decision on the application may not be rendered until the Council has made a final determination on the pending complaint. The applicant will be permitted to take all required exams while the complaint is pending, but will not be licensed unless approved by the Council.~~



# BHEC Applications and Licensing

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882.42

(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.

# BHEC

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## 884.10. Investigation of Complaints

Comment: The proposed amendments reduce the priority rating system for complaints from four levels to two. The high priority shall be for all complaints involving sexual misconduct or imminent physical harm and all other complaints shall be a normal priority.

(a) The following priority rating system shall serve to distinguish between categories of complaints. The priority rating system is as follows:

- (1) High Priority - cases involving sexual misconduct or a probability of imminent physical harm to the public or a member of the public; and
- ~~(2) cases involving sexual misconduct;~~
- ~~(3) cases involving applicants for licensure; and~~
- ~~(2)~~(4) Regular Priority - cases involving all other violations of state or federal law.

Fees 9/1/2023:

<https://www.sos.state.tx.us/texreg/archive/August52022/tables-and-graphics/202202738-2.pdf>

Current Fees:

<https://texreg.sos.state.tx.us/fids/202002623-1.pdf>

## Change to Sanctions, LMFT:

### *§801.302. Severity Level and Sanction Guide.*

The following severity levels and sanction guides are based on the relevant factors in council rules, 22 Texas Administrative Code, §884.20 (relating to Disciplinary Guidelines and General Schedule of Sanctions).

(1) Level One--Revocation of license with a possible administrative penalty from \$500 to \$5,000. These violations evidence intentional or gross misconduct on the part of the licensee or cause or pose a high degree of harm to the public or may require severe punishment as a deterrent to the licensee, or other licensees.

(2) Level Two--Suspension[Extended suspension] of license with a possible administrative penalty from \$250 to \$5,000 [\$2,500]. These violations involve less misconduct, harm, or need for deterrence than Level One violations, but may require suspension [termination] of licensure for a period of time [not less than one year].

[(3) Level Three--Moderate suspension of license with a possible administrative penalty of no more than \$250. These violations

are less serious than Level Two violations, but may require termination of licensure for a period of time that is less than a year.]

(3) [(4)] Level Three [Four]--Probated suspension of licensure. These violations do not involve enough harm, misconduct, or need for deterrence to warrant suspension [termination] of licensure, yet are severe enough to warrant monitoring of the licensee to ensure future compliance. Probationary terms may be ordered as appropriate.

(4) [(5)] Level Four [Five]--Reprimand. These violations involve inadvertent or relatively minor misconduct or rule violations not directly involving the health, safety and welfare of the public.

(5) [(6)] An administrative penalty may be assessed for any violation, in lieu of, or in addition to, other disciplinary actions.

## Change to Sanctions, SW:

Level One--Revocation of license. 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.

# LMFT Definition of Couple or Family Hours

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801.2

(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.





## LMFT Associate Listing Supervisor

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801.43

(2) LMFT Associates must not represent themselves as independent practitioners. 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. This paragraph is effective January 1, 2023.



## LMFT Scope of Practice

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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.

# MFT Supervised Clinical Experience Requirements and Conditions

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801.142

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.

# MFT Supervisor Requirements

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801.143

(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 licensee ~~licensed marriage and family therapist~~-holding 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;

# MFT Supervisor Requirements

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801.143

(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.



## LMFT Associate License

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### 801.202

- (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.



# MFT Requirements for Continuing Education

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801.261

~~[(2)An LMFT Associate must complete 15 hours of continuing education during each renewal period that they hold a license. The 15 hours of continuing education must include 6 hours in ethics and 3 hours in cultural diversity or competency.]~~

# LPC 681.147 40-Clock-Hour Supervisor Training Course

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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;



# LPC 40-Clock-Hour Supervisor Training Course

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681.147

- (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.



## SW General Standards of Practice

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781.303

(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.

# NEW CE RULES

Will Be Enforced: January 1, 2024

## CE Adopted Rules LSW and LMFT

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30 hours CE

- 6 Ethics – with parameters
- 3 Cultural Diversity – with parameters
- Maximum 10 hours CE can be carried over to the next renewal
- 6 Supervision Refresher hours for Supervisors
- 50% of CE would come from specific providers
- Parameters on what counts as a CE
- Maintain proof of CE for 3 years

## CE Adopted Rules LSW and LMFT

---

30 hours CE

- 6 Ethics – with parameters
- 3 Cultural Diversity – with parameters
- Maximum 10 hours CE can be carried over to the next renewal
- 6 Supervision Refresher hours for Supervisors
- 50% of CE would come from specific providers
- Parameters on what counts as a CE
- Maintain proof of CE for 3 years

# Continuing Education Rules

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## LPC Proposed

24 hours CE

- 6 Ethics – with parameters
- Jurisprudence required
- 3 Cultural Diversity – with parameters
- 10 hours maximum CE can be carried over to the next renewal
- 6 Supervision Refresher hours for Supervisors (would now count towards the 24 CE requirement)
- 50% of CE would come from specific providers
- Parameters on what counts as a CE
- Maintain proof of CE for 3 years



## What Counts as Ethics?

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- State or federal laws, agency rules
- Practice guidelines established by local, regional, state, national, or international professional organizations
- Training or education designed to demonstrate or affirm ideals & responsibilities
- Training or education intended to assist licensees in determining appropriate decision-making and behavior, improve consistency in or enhance the professional delivery of services, & provide a minimum acceptable level of practice



# What Counts as Cultural Diversity?

- 
- CE regarding age, disability, ethnicity, gender, gender identity, language, national origin, race, religion, culture, sexual orientation, socio-economic status



## What is an Acceptable CE?

---

- Must be designated by provider in a letter, email, certificate, or transcript that displays the following
  - Licensee's name
  - Topic covered
  - Date(s)
  - Hours of credit earned
  - UNLESS it's
    - Jurisprudence exam—1 hr.
    - Preparing and giving a presentation—max 5 hrs.
    - Authoring a book or peer reviewed article—max 5 hrs.
    - Teaching or attending a graduate level course—max 5 hrs.
    - Self study—max 1 hr.
    - Human trafficking course—1 hr.
- Multiple instances or occurrences of a CE activity may not be claimed in the same renewal period



## What is a Self-Study CE?

---

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.

## Who Counts as the 50%?

---

- International, national, regional, state or local associations of medical, mental or behavioral health professionals
- Public school districts, charter schools, or education service centers
- City, county, state, or federal govt. entities
- Institutions of higher education accredited by a regional accrediting organization recognized by
  - Council for Higher Education Accreditation
  - Texas Higher Education Coordinating Board
  - US Dept. of Education
  - Religious or charitable organizations devoted to improving mental or behavioral health
  - Any provider approved or endorsed by one of these listed providers



## Who Counts as the 50%?

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- MFT - a graduate level licensee with supervisor status
- SW - Council approved supervisor
- LPC - a licensee with supervisor status
- A hospital or hospital system

## LSW Scope of Practice

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781.304

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

781.401

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

781.406

Removed: [(3) Supervised experience must have occurred within the five calendar years immediately preceding the date of an initial or up-grade application.]



# PROPOSED RULES

As of February 2023

## SW Qualifications for Licensure

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781.401

(B) Has had 3000 hours of supervised professional clinical experience over a period of at least 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).~~]

# SW Recognition as Council Approved Supervisor and Supervision Process

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781.404

(A) At a minimum, the 40-hour supervisor's training program must meet each of the following requirements:

- (i) the course must be taught by a licensed social worker holding both the appropriate license classification, and supervisor status issued by the Council;
- (ii) all related coursework and assignments must be completed over a time period not to exceed 90 days; and
- (iii) the 40-hour supervision training must include at least:
  - (I) three (3) hours for defining and conceptualizing supervision and models of supervision;
  - (II) three (3) hours for supervisory relationship and social worker development;



# SW Recognition as Council Approved Supervisor and Supervision Process

---

781.404

(III) 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;

(IV) twelve (12) hours for supervision and standards of practice, codes of ethics, and legal and professional issues; and

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

(B) Subparagraph (A) of this paragraph is effective May 1, 2023.

# SW Remedy for Incomplete License Requirements

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781.421

- (a) An applicant who does not meet all of the prerequisites for a particular license under Chapter 505 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 505 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; 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.

# LPC Informed Consent

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## §681.35. Informed Consent

(a) Regardless of setting, a licensee must provide counseling only in the context of a professional relationship. Prior to providing services, a licensee must obtain from an individual a signed informed consent, signed written receipt of information, or in the case of involuntary treatment a copy of the appropriate court order, including the following:

- (1) fees and arrangements for payment;
- (2) counseling purposes, goals, and techniques;
- (3) any restrictions placed on the license by the Council;
- (4) the limits on confidentiality;

## LPC Informed Consent

---

### §681.35. Informed Consent

- (5) any intent of the licensee to use another individual to provide counseling treatment intervention to the client;
- (6) supervision of the licensee by another licensed health care professional including the name, address, contact information and qualifications of the supervisor;
- (7) the name, address and telephone number of the Council for the purpose of reporting violations of the Act or this chapter; and
- (8) the established plan for the custody and control of the client's mental health records in the event of the licensee's death or incapacity, or the termination of the licensee's counseling practice.
  - (b) A licensee must inform the client in writing of any changes to the items in subsection (a) of this section, prior to initiating the change.

## LPC Informed Consent

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### §681.35. Informed Consent

- (c) Prior to the commencement of counseling services to a minor client who is named in a custody agreement or court order, a licensee must obtain and review a current copy of the custody agreement or court order, as well as any applicable part of the divorce decree. A licensee must maintain these documents in the client's record and abide by the documents at all times. When federal or state statutes provide an exemption to secure consent of a parent or guardian prior to providing services to a minor, a licensee must follow the protocol set forth in such federal or state statutes.
- (d) A licensee acting within the scope of employment with an agency or institution is not required to obtain a signed informed consent, but must document, in writing, that the licensee informed the client of the information required by subsection (a) and that the client consented.

# LPC Client Records

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## §681.36. Client Records

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

- (1) signed informed consent, signed written receipt of information, or, in the case of involuntary treatment, a copy of the appropriate court order;
- (2) intake assessment;
- (3) dates of counseling treatment intervention;
- (4) principal treatment methods;
- (5) progress notes;
- (6) treatment plan; and
- (7) billing information.

(b) In the absence of applicable state and federal laws, rules or regulations, records held by a licensee must be kept for a minimum of seven (7) years from the date of termination of services with the client, or five (5) years after the client reaches the age of majority, whichever is greater.

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

# LPC Billing and Financial Arrangements

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## (a) Billing Requirements.

- (1) A licensee must bill clients or third parties for only those services actually rendered or as agreed to by mutual understanding at the beginning of services or as later modified by mutual written agreement.
- (2) Relationships between a licensee and any other person used by the licensee to provide services to a client must be so reflected on billing documents.
- (3) Pursuant to Texas Health and Safety Code, Chapter 611, on the written request of a client, a client's guardian, or a client's parent (sole managing, joint managing or possessory conservator) if the client is a minor, a licensee must provide, in plain language, a written explanation of the types of treatment and charges for counseling treatment intervention previously made on a bill or statement for the client. This requirement applies even if the charges are to be paid by a third party.
- (4) A licensee may not knowingly overcharge a client.

## LPC Billing and Financial Arrangements, continued

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- (5) With the exception of an unkept appointment, a licensee may not submit to a client or a third-party payor a bill for counseling treatment intervention the licensee knows or should know is improper, unreasonable, or unnecessary.
- (b) In accordance with §503.401(a)(4) of the Act, a licensee must not intentionally or knowingly offer to pay or agree to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, corporation, or entity for securing or soliciting clients or patronage.
- (c) A licensee employed or under contract with a chemical dependency facility or a mental health facility must comply with the requirements in the Texas Health and Safety Code, §164.006, relating to soliciting and contracting with certain referral sources. Compliance with the Treatment Facilities Marketing Practices Act, Texas Health and Safety Code Chapter 164, will not be considered as a violation of state law relating to illegal remuneration.

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# Conflicts, Boundaries, Dual Relationships, and Termination of Relationships

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

- (a) A licensee must not engage in activities for the licensee's personal gain at the expense of a client.
- (b) A licensee may promote the licensee's personal or business activities to a client if such activities, services, or products are to facilitate the counseling process or help achieve the client's counseling goals. Prior to engaging in any such activities, services, or product sales with the client, the licensee must first inform the client of the licensee's personal and/or business interest therein. A licensee must not exert undue influence in promoting such activities, services, or products.
- (c) A licensee must set and maintain professional boundaries.
- (d) Except as provided by this subchapter, non-therapeutic relationships with clients are prohibited.

# Conflicts, Boundaries, Dual Relationships, and Termination of Relationships, continued

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- (1) A non-therapeutic relationship is any non-counseling activity initiated by either the licensee or client that results in a relationship unrelated to therapy.
- (2) A licensee may not engage in a non-therapeutic relationship with a client if the relationship begins less than two (2) years after the end of the counseling relationship; ~~the non-therapeutic relationship must be consensual, not the result of exploitation by the licensee, and is not detrimental to the client.~~
- (3) A licensee may not engage in a romantic relationship or sexual contact with a client within ~~if the contact begins less than five (5) years after the end of the counseling relationship; the non-therapeutic relationship must be consensual, not the result of exploitation by the licensee, and is not detrimental to the client.~~

# Conflicts, Boundaries, Dual Relationships, and Termination of Relationships, continued

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- (4) For purposes of paragraphs (2) and (3) of this subsection, the licensee must be able to demonstrate the relationship was consensual, not the result of exploitation by or on the part of the licensee, and that ~~there has been no exploitation~~ and the non-therapeutic relationship is not detrimental to the client in light of all relevant factors, including, but not limited to, the factors set forth in §681.42(b)(4)(A) - (G) of this title (relating to Sexual Misconduct).
- (5) The licensee must not provide counseling services to previous or current:
- (A) family members;
  - (B) personal friends;
  - (C) educational associates; or
  - (D) business associates.

# Conflicts, Boundaries, Dual Relationships, and Termination of Relationships, continued

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- (6) The licensee must not give or accept a gift from a client or a relative of a client valued at more than \$50, borrow or lend money or items of value to clients or relatives of clients, or accept payment in the form of goods or services rendered by a client or relative of a client.
- (7) The licensee must not enter into a non-professional relationship with a client's family member or any person having a personal or professional relationship with a client if the licensee knows or reasonably should have known such a relationship could be detrimental to the client
- (e) The licensee must not knowingly offer or provide counseling to an individual concurrently receiving counseling treatment intervention from another mental health services provider except with that provider's knowledge. If a licensee learns of such concurrent therapy, the licensee must request release from the client to inform the other professional and strive to establish positive and collaborative professional relationships.


# Conflicts, Boundaries, Dual Relationships, and Termination of Relationships, continued

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- (f) A licensee must terminate a professional counseling relationship when it is reasonably clear the client is not benefiting from the relationship.
- (g) Upon termination of a relationship if professional counseling is still necessary, the licensee must take reasonable steps to facilitate the transfer to appropriate care.

For Changes to 681.141, 681.52, and 681.205,  
reference the Proposed Rules handout.

The above proposed rules impacted these rules.



**What must all licensees obtain, review, and maintain prior to the commencement of counseling services to a minor client who is named in a custody agreement or court order?**

---

Custody agreement


# What must an SW ensure before the commencement of services with a minor client who is named in a Suit Affecting Parent Child Relationship (SAPCR)?

---

All legal authorized persons have signed a consent, if applicable

Proposed Rule 12/16/22:  
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.






## An LMFT providing services outside the state of Texas must comply with what laws?

---

Laws and rules of this Council and of the out-of-state regulatory authority



**An LMFT and SW providing technology-assisted services shall meet the same standards as whom?**

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Licensees who practice in traditional settings



## What must an LMFT receive before providing technology-assisted services?

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Appropriate education, training, and/or supervised experience in using relevant technology



## After receiving academic preparation and supervision for technology-assisted services, what must an LMFT maintain?

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Documentation of academic preparation and supervision or continuing education documents



**How many continuing education hours  
of technology-assisted services must be  
done every renewal period by LMFT?**

---

2 hours

# Telemental Health Resources

## In-Depth Trainings

- **BC-TMH: Board Certified - Telemental Health Training**  
**Content:** Designed for Board Certified-Telemental Health Provider (BC-TMH) credential  
<http://www.startelehealth.org/certificates-and-credentials>
- **Telemental Health Training & Supervision Certificate:** (board certification with NBCC)  
<https://www.renewedvisiontraining.com/courses/telemental-health-provider-training/>

## Refresher Trainings

- **How to Start a Telemental Health Practice, TAMFT FREE Course:** This online course provides 1 CE hour that can count toward the LMFT requirement.  
<https://tamft.mclms.net/en/package/613/course/959/view>
- **Telehealth Legal and Ethical Issues:** This 1 CE course is from Simple Practice  
<https://www.simplepracticelearning.com/courses/telehealth-legal-ethical>
- **Telehealth Certification Package:**  
[Telebehavioral Health Institute](#)
- **Telehealth for Mental Health Professionals: 2-Day Distance Therapy Training:** 12.5 hour Teletherapy course.  
<https://catalog.pesi.com/item/52191/#tabDescription>
- **Telemental Health Basic Starter Package:** Person Centered Technology is offering 8 CE's and also has a 17 CE certificate  
<https://personcenteredtech.com/tmh/starter/>

# Board Forms and Publications

## LMFT Board Guidelines for Technology-Assisted Services

<https://www.bhec.texas.gov/wp-content/uploads/2022/09/MFT-Guidelines-for-Technology-Assisted-Services-20220121.pdf>

“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.”

Guidelines for 50 states from 2021

<https://utexas.app.box.com/s/r797qp7woupga5x65yob0ki2u7mbd84y>



# Telemental and HIPAA Refresher Resources

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**Telemental Health, HIPAA, and PCI Standards 15 CE**

<https://training.ccfam.com/telemental-health-hippa-and-pci-standards-on-demand//>

**Implementing HIPAA and Technology-Assisted Services 2.5 CE**

<https://training.ccfam.com/implementing-hippa-and-technology-assisted-services-on-demand/>



# Board Forms and Publications

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LMFT Guidelines for Using Social Media

LPC Social Media Use & Electronic Communication Guidelines


SW Guidelines for Using Social Media & Electronic Practice Guidelines

<https://www.bhec.texas.gov/wp-content/uploads/2022/09/MFT-Guidelines-for-Technology-Assisted-Services-20220121.pdf>

<https://www.bhec.texas.gov/wp-content/uploads/2021/09/LPC-Social-Media-Use-and-Electronic-Communication-Guidelines-September-2021.pdf>

[https://www.bhec.texas.gov/wp-content/uploads/2022/10/SW-Guidelines-for-Using-Social-Media\\_20221007.pdf](https://www.bhec.texas.gov/wp-content/uploads/2022/10/SW-Guidelines-for-Using-Social-Media_20221007.pdf)

[https://www.bhec.texas.gov/wp-content/uploads/2022/10/SW-Guidelines-for-Electronic-Practice\\_20221007.pdf](https://www.bhec.texas.gov/wp-content/uploads/2022/10/SW-Guidelines-for-Electronic-Practice_20221007.pdf)



## What must all licensees renew each year as a federal guideline?

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HIPAA Compliance


CCFAM Resource: <https://compliance-group.com>



**What state must a licensee be licensed in to offer services in Texas?**

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Texas



**What must be verified by an LMFT to the most reasonable extent possible at the onset of each session before providing technology-assisted services?**

---

Location and identity of the client



**What shall an LMFT licensee disclose to the client at the onset of each technology-assisted session?**

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Identity of the licensee



**What must be obtained and verified  
before an LMFT provides technology-  
assisted services to a minor?**


---

Consent from a parent or guardian

# What are the 12 requirements for the informed consent of an LMFT providing technology-assisted services?

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- 1) identification of the client, therapist, & therapists;
- 2) list of technology-assisted services;
- 3) client agreement that condition is appropriate for technology-assisted service;
- 4) security measures;
- 5) secure protocols and back-up plans;
- 6) credentials or training in technology-assisted services;
- 7) physical location of practice and contact information;
- 8) risks and benefits of technology;
- 9) emergency procedures to follow and information collected;
- 10) third-party websites used to facilitate technology-assisted services;
- 11) encryption type and record security; and
- 12) the archival storage period



## What shall an LPC do upon termination of a client if counseling is still necessary?

---

Facilitate the transfer to appropriate care





## What shall an LMFT do upon termination of a client if counseling is still necessary?

---

Provide a written referral and facilitate the transfer to appropriate care



## What shall an SW do upon termination of a client if counseling is still necessary?

---


Provide 3 sources of service and facilitate the transfer to appropriate care



**What must all licensees do before evaluating any individual's mental, emotional, or behavioral condition?**

---


Personally interview the individual



**What is the term used to describe the representation by any licensee that sexual contact or exploitation is consistent with or part of a client or former client's counseling?**


---

Therapeutic deception



## All licensees shall not engage in sexual contact with what three types of people?


- 
- 1) clients,
  - 2) associates supervised by the licensee, or
  - 3) students of a licensee at an educational institution where the licensee provides services



What is the term used for the pattern, practice, or scheme of conduct, which may include sexual contact, that can reasonably be construed as being for the purposes of sexual arousal, gratification, or abuse?

---

Sexual exploitation



## If sexual contact occurs more than five years after the termination of a client/counselor relationship, the LPC must demonstrate no exploitation considering what seven factors?

---


- 1) amount of time since termination of therapy,
- 2) nature and duration of therapy,
- 3) circumstances of termination,
- 4) client's personal history,
- 5) client's current mental status,
- 6) likelihood of adverse impact on the client and others,
- 7) any statements in the course of therapy suggesting or inviting a post-termination sexual or romantic relationship



## All licensees may not use what three reasons as a defense for sexual contact, exploitation, or deception?

- 
- 1) consent of the client, associate, or student,
  - 2) being outside of professional counseling sessions, or
  - 3) being off the premises of counseling sessions






**How many days does an LPC have to report reasonable cause to suspect that a client has been the victim of sexual exploitation, sexual contact, or therapeutic deception by another licensee or provider of mental health services?**

---


3 business days



**How many days does an LMFT and SW have to report reasonable cause to suspect that a client has been the victim of sexual exploitation, sexual contact, or therapeutic deception by another licensee or provider of mental health services?**


---

30 days



**To whom must all licensees report reasonable cause to suspect that a client has been the victim of sexual exploitation, sexual contact, or therapeutic deception?**

- 
- 1) the district attorney,
  - 2) the Council, and
  - 3) appropriate agencies



**Before making a report of reasonable cause to suspect that a client has been the victim of sexual exploitation, sexual contact, or therapeutic deception, all licensees shall inform whom?**

---


Alleged victim



**What shall all licensees determine regarding the alleged victim before making a report about sexual exploitation, sexual contact, or therapeutic deception?**


---

If the alleged victim wants to remain anonymous



## In the event a licensee is reporting another licensee, what four things need to be included in the report?

- 
- 1) reporter,
  - 2) the alleged victim (if not anonymous),
  - 3) suspicion of exploitation, contact, or therapeutic deception, and
  - 4) alleged perpetrator



## In what manner should all licensees not use alcohol or drugs?

---

A manner that adversely affects or compromises the licensee's ability to provide services



**In regards to the use of alcohol or drugs,  
when shall a Social Worker refrain from  
providing services?**

---


When the licensee is impaired





## What kinds of information shall all licensees not disclose?

- 
- 1) communication,
  - 2) records, or
  - 3) identity of clients



**If required by the statutes, all licensees shall report information concerning what four circumstances (not including harm to self or someone else)?**

- 
- 1) abuse or neglect of minors,
  - 2) abuse, neglect, or exploitation of elderly or disabled persons,
  - 3) abuse, neglect, and illegal, unprofessional, or unethical conduct in mental health, chemical dependency, or hospital facility, and
  - 4) sexual exploitation by mental health provider



**With what three pieces of information must all licensees provide the client should the client want to make a complaint?**

- 
- 1) name,
  - 2) address, and
  - 3) telephone number of the Council

## **NOTICE TO CLIENTS**

The Texas Behavioral Health Executive Council investigates and prosecutes professional misconduct committed by marriage and family therapists, professional counselors, psychologists, psychological associates, social workers, and licensed specialists in school psychology.

Although not every complaint against or dispute with a licensee involves professional misconduct, the Executive Council will provide you with information about how to file a complaint.

Please call 1-800-821-3205 for more information.



**All licensees must provide the name, address, and telephone number of the Council on one of what three areas?**


- 
- 1) application for services,
  - 2) sign prominently displayed in the place of business, or
  - 3) on a bill for therapy services



## What types of license certificates shall all licensees display?

---


The original or a copy from BHEC with the seal



## Where must all licensees display an original license or copy from BHEC with the seal?

---

A prominent place where services are delivered (renewal cards are no longer used)




**How many days do all licensees have to report changes in name, address, phone number, employment settings, etc.?**

---

30 days





**What must follow the LPC and LMFT Associate's name and title on all advertisements, billing, and announcements of counseling treatment?**

---

Supervisor's name


LMFT Effective: January 1, 2023



**What name shall appear on the license certificate?**

---


Legal name of the licensee



**What type of information shall not appear on any announcement of services, letterhead, business cards, commercial products, website entries, email, cell phone communications, social media communications, and billing statements for all licensees?**

---


Deceptive, inaccurate, incomplete, out-of-date, or out-of-context information about services or competence



## What titles may be used on advertisements or announcements for a fully licensed LPC?

---


LPC, Licensed Counselor, or Licensed Professional Counselor



**For individuals holding a temporary LPC license, what title shall be used on all advertisements, billing, and announcements?**

---

LPC Associate



**How often must an LPC Associate meet with each supervisor they have on file with the Council?**

---

4 hours a month



**What is the minimum number of months to become fully licensed as an LPC?**

---

18 months




## What titles may be used on advertisements or announcements for a fully licensed LMFT?

---

LMFT, Licensed Therapist, and Licensed Marriage and Family Therapist





**For individuals holding a temporary LMFT license, what title shall be used on all advertisements, billing, and announcements?**

---

Licensed Marriage and Family Therapist  
Associate or LMFT Associate



**How often must an LMFT Associate meet with each supervisor he or she has on file with the Council?**

---

1 hour a week

# What is the total number of supervision hours the LMFT Associate must have to become fully licensed?

---

200 hours

Proposed Rule 12.16.22

(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.




## What is the minimum number of months to become fully licensed as an LMFT?

---

24 months

Proposed Rule 12.16.22:


(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.



**An LPC or LMFT who is a Council-approved Supervisor may use what designation when advertising supervisory status?**

---

LPC-S or LMFT-S



**What is the total number of supervision hours required to become an LCSW?**

---

100 hours



## What 3 things are no longer required to become an LCSW?

- 
- 1) Council-approved supervisor plan for each location of practice
  - 2) Job description with verification of authenticity
  - 3) Submit separate verification form for each location of practice



**What is the minimum number of months to become an LCSW?**

---

24 months






## What is the minimum number of months to become an LMFT?

---

72 months, 96 months if lacking 500 relational hours

Proposed Rule 12.16.22:


(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.



**For an LPC licensee who has held his or her license in another jurisdiction preceding the application, what must be determined regarding the license?**

---


That the license is substantially equivalent (changed from “considered to be” to “must be” in 2021)



An LPC licensee who has held his or her license for how many years in another jurisdiction (if he/she can demonstrate 3,000 hours of supervised experience, 48 hours of graduate course work in a counseling field, with a 300-hour practicum) preceding the application will be deemed to have met academic and experience requirements for licensure?

---


2 years  
(addition of above requirements in  
2021)



**An LMFT licensee who has held his or her license for how many years in another jurisdiction immediately preceding the application will be deemed to have met academic requirements for licensure?**

---


2 years



**An SW licensee who has held his or her license for how many years in another jurisdiction preceding the application will be deemed to have met experience requirements for licensure?**

---


1 Year



## In what situation would the LMFT Board be able to make exceptions for applicants who have difficulty fulfilling certain licensure requirements?

---

Declared disaster  
(changed in 2021 due to associates  
having difficulty obtained in-person  
hours)



## When does an LPC or LMFT Associate's supervision officially end?

---

Upon receipt of the regular license



**How long must an LPC licensee hold his or her license before being a supervisor?**

---

60 months/5 years





**How long must an LMFT licensee hold his or her Texas license before being a supervisor?**

---


36 Months



**How long must an SW licensee hold his or her Texas license before being a supervisor?**

---

2 years



**How can a licensee become a supervisor if he or she has been previously licensed as a supervisor in another state without meeting the year requirements?**

---

The Executive Council determines if the other state license requirements are substantially equivalent



## What are SW licensees no longer required to report to the board?

---

Any and all employment setting changes  
(effective 2021)



**How many hours of continuing education are required for an LPC every two years?**

---

24 hours



**How many hours of continuing education are required for an LMFT or SW every two years?**

---

30 hours



**How many hours of continuing education by an LMFT are required to be real-time interaction CE's?**

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15 hours



**How many hours of continuing education by an LMFT Associate are required to be real-time interaction CE's?**

---

6 hours






**How many hours of ethics are required  
by an LPC each renewal period?**

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4 hours



**How many hours of ethics are required  
for an LMFT or SW each renewal  
period?**

---

6 hours



**How many hours of cultural diversity or competency CE's are required for an SW each renewal period?**

---


3 hours



**How many LPC hours are required in Texas Ethics?**

---

2 hours



**What must all licensees be able to affirm or demonstrate regarding a training course on human trafficking prevention?**

---


Successful completion

<https://hhs.texas.gov/sites/default/files/documents/services/safety/human-trafficking/hhs-approved-human-trafficking-training.pdf>



## An SW must provide notice to the public that complaints can be filed with the Council in one of what four places?


- 
- 1) Registration form, application, written contract or other intake paperwork
  - 2) Sign prominently displayed in the place of business
  - 3) Prominent and easily accessible location on the licensee's website
  - 4) On a bill for therapy services



**How many hours of supervision CE's is an LPC Supervisor required to have each renewal period?**

---

Additional 6 hours for a total of 30 hours



How many hours of supervision CE's is an LMFT Supervisor required to have each renewal period, and what else are they required to do?

---

3 hours, and pass the jurisprudence exam



# What is the total number of supervision hours the LMFT Associate must have to become fully licensed?

---

200 hours

Proposed Rule 12.16.22

(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.



**How many supervision CE hours is a  
Social Work Supervisor required to  
have each renewal period?**

---

6 hours



## How many licensees are audited by BHEC each year?

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5%  
(new rule from 2021)

A photograph of a person's hands typing on a laptop keyboard, overlaid with a semi-transparent teal filter. The laptop screen shows a website with a grid of images and text. A dark cup is visible on the desk to the right of the laptop. The person is wearing a light-colored sweater and a watch on their left wrist.

**THANK YOU!**

Any questions?

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