



2020-2024 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" 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.

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.

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.

Adopted to be effective: July, 16, 2024

Description: c) The Council may rely upon the following when verifying information from another jurisdiction: official written verification received directly from the other jurisdiction; a government website reflecting the information; or verbal or email verification directly from the other jurisdiction.

882.10 Applicants with Pending Complaints

Adopted to be effective: June 15, 2023

Description: The adopted new rule changes the way Council staff will process applications when the applicant has a pending complaint. If the applicant has a pending complaint that involves sexual misconduct or imminent physical harm to the public, then the application may be held in abeyance for up to 180 days while a determination on the complaint is made.

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.

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.

882.23 License Required to Practice

Amended: March 27, 2024

Description: (f) The adopted amendments clarify when an individual is conducting a professional service in Texas, specifically as pertains to telehealth outside the state. The determining factor is, if the recipient of the professional service is physically located in Texas, then the individual is conducting the regulated practice of marriage and family therapy, professional counseling, psychology, or social work in Texas. If not, then they are not. (g) Defined specifics of what constitutes a client.

882.28 Update to Degree on a License

Adopted to be effective: March 27, 2024

Description: (a,b,c,d) The adopted new rule implements a process to update the degree listed on a license. The licensee must submit a complete application and transcript, pay the required fee, and provide any other information or supportive documentation deemed relevant by the Council (the application to update the degree on a license is not an application for licensure). Licensees must submit an official transcript indicating the date the doctoral degree was awarded or conferred.

882.32 Duty to Update Name and Address

Amended: November 11, 2023

Description: (b) The board passed an amendment that prevented the street address portion of an applicant or licensee from being displayed in the online licensee search function.

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.

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: September 15, 2023

Description: (a) Notwithstanding §882.23 of this chapter and in accordance with §55.0041 of the Occupations Code and the Veterans Auto and Education Improvement Act of 2022 (Public Law No. 117-333), a service member or military spouse is authorized to practice marriage and family therapy, professional counseling, psychology, or social work without a license if the person meets each of the following requirements:

(1) the service member or military spouse notifies the Council on an agency approved form or as directed by agency staff, of the service member's or military spouse's intent to practice a particular profession in this state;

(2) the service member or military spouse provides verification of licensure in good standing in another jurisdiction in the similar scope of practice and in the discipline applied for in this state, and:

(A) has actively used the license during the two years immediately preceding the date of application; or

(B) holds a license that has licensing requirements that are substantially equivalent to the requirements for licensure in this state;

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

(4) the Council provides confirmation to the service member or military spouse that it has verified the service member's or military spouse's license in the other jurisdiction and that the service member or military spouse is authorized to practice a particular profession.

(b) In order to meet the requirements of subsection (a)(2)(B) of this section, a service member or military spouse must submit a copy of the law reflecting the current licensing standards for the relevant profession in the state where the service member or military spouse is licensed, with the relevant portions highlighted for easy reference. The Council shall then determine substantial equivalency based upon the determinations made by the member boards under §882.60(d) of this chapter.

(c) The Council may rely upon the following when verifying licensure under this subsection: official verification received directly from the other jurisdiction, a government website reflecting active licensure and good standing, or verbal or email verification directly from the other jurisdiction.

(d) A service member or military spouse authorized to practice under this rule is subject to all laws and regulations in the same manner as a regularly licensed provider.

(e) A service member or military spouse may practice under this rule while the service member or military spouse is stationed at a military installation in this state. If the service member or military spouse relied upon subsection (a)(2)(B) of this section to obtain authorization to practice, the authority shall extend only until the third anniversary of the date of confirmation referenced in subsection (a)(4) of this section.

(f) In order to obtain and maintain the privilege to practice without a license in this state, a service member or military spouse must remain in good standing with every licensing authority

that has issued a license to the service member or military spouse at a similar scope of practice and in the discipline applied for in this state.

(g) Subsection (a)(2)(A) of this section does not apply to service members or military spouses that are licensed and able to operate in this state through an interstate licensure compact. Service members or military spouses eligible to participate in an interstate licensure compact may either apply to practice through the authority of the interstate licensure compact or through other applicable state law.

(h) Notwithstanding subsection (e) of this section, in the event of a divorce or similar event (e.g., annulment, death of spouse) affecting a military spouse's marital status, a military spouse who relied upon subsection (a)(2)(B) of this section to obtain authorization to practice may continue to practice under the authority of this rule until the third anniversary of the date of confirmation referenced in subsection (a)(4) of this section.

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.

883.1 Renewal of a License

Amended: March 27, 2024

Description: (3) This rule states that if chosen for an audit under §882.50 of this title, licensees are required to submit a self-query report from the National Practitioner Data Bank in the same manner required by §882.2 of this title.

884.1 Timeliness of Complaints

Amended: March 27, 2024

Description: (d) The adopted amendments provide notice and clarity that the rule of limitations for the timeliness of a complaint does not apply to applications for reinstatement.

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 appointment to provide therapy or parenting facilitator services. A complaint received by the Council while the licensee is appointed will be dismissed by staff as premature but may be resubmitted as a new complaint 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 timeliness 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.

884.10 Investigation of Complaints

Adopted to be effective: June 15, 2023

The adopted 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.

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; September 1, 2023

Description: The Executive Council lowered all licensing fees: Figure: 22 TAC

885.1 Executive Council Fees

Amended: March 27, 2024

Description: (1) All fees are nonrefundable, nontransferable, and cannot be waived except as otherwise permitted by law. Any attempt to cancel, initiate a chargeback, or seek recovery of fees paid to the Council may result in the opening of a complaint against a licensee or applicant.

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.

681.35 Informed Consent

Adopted to be effective: September 21, 2023

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

- (1) fees and arrangements for payment;
- (2) counseling purposes, goals, and techniques;
- (3) any restrictions placed on the license by the Council;
- (4) the limits on confidentiality;
- (5) any intent of the licensee to use another individual to provide counseling treatment intervention to the client;
- (6) supervision of the licensee by another licensed health care professional including the name, address, contact information and qualifications of the supervisor;

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

(8) the established plan for the custody and control of the client's mental health records in the event of the licensee's death or incapacity, or the termination of the licensee's counseling practice.

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

(c) Prior to the commencement of counseling services to a minor client who is named in a custody agreement or court order, a licensee must obtain and review a current copy of the custody agreement or court order, as well as any applicable part of the divorce decree. A licensee must maintain these documents in the client's record and abide by the documents at all times. When federal or state statutes provide an exemption to secure consent of a parent or guardian prior to providing services to a minor, a licensee must follow the protocol set forth in such federal or state statutes.

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

681.36 Client Records

Adopted to be effective: September 21, 2023

Description: (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.

681.37 Billing and Financial Arrangements

Adopted to be effective: September 21, 2023

Description: (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) Upon the written request of a client, a client's guardian, or a client's parent (sole managing, joint managing or possessory conservator) if the client is a minor, a licensee must provide, in plain language, a written explanation of the types of treatment and charges for counseling

treatment intervention previously made on a bill or statement for the client. This requirement applies even if the charges are to be paid by a third party.

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

(5) 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. However, nothing in this rule should be construed to prevent a licensee from submitting a bill for an unkept appointment.

(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.

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

Adopted to be effective: September 21, 2023

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

(b) A licensee may promote the licensee's personal or business activities to a client if such activities, services or products are to facilitate the counseling process or help achieve the client's counseling goals. Prior to engaging in any such activities, services or product sales with the client, the licensee must first inform the client of the licensee's personal and/or business interest therein. A licensee must not exert undue influence in promoting such activities, services or products.

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

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

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

(2) A licensee may not engage in a non-therapeutic relationship with a client if the relationship begins less than two (2) years after the end of the counseling relationship.

(3) A licensee may not engage in a romantic relationship or sexual contact with a client within five (5) years after the end of the counseling relationship.

(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 the non-therapeutic relationship is not detrimental to the client in light of all relevant factors, including, but not limited to, the factors set forth in §681.42(b)(4)(A) - (G) of this title (relating to Sexual Misconduct).

(5) The licensee must not provide counseling services to previous or current:

(A) family members;

(B) personal friends;

(C) educational associates; or

(D) business associates.

(6) The licensee must not give or accept a gift from a client or a relative of a client valued at more than \$50, borrow or lend money or items of value to clients or relatives of clients, or accept payment in the form of goods or services rendered by a client or relative of a client.

(7) The licensee must not enter into a non-professional relationship with a client's family member or any person having a personal or professional relationship with a client if the licensee knows or reasonably should have known such a relationship could be detrimental to the client.

(e) The licensee must not knowingly offer or provide counseling to an individual concurrently receiving counseling treatment intervention from another mental health services provider except with that provider's knowledge. If a licensee learns of such concurrent therapy, the licensee must request release from the client to inform the other professional and strive to establish positive and collaborative professional relationships.

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

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

681.41 General Ethical Requirements

Amended to be effective: September 21, 2023

Description: (a) A licensee must not make any false, misleading, deceptive, fraudulent or exaggerated claim or statement about the licensee's services, including, but not limited to:

(1) the effectiveness of services;

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

(3) the practice or field of counseling.

(b) A licensee must not make any false, misleading, deceptive, fraudulent or exaggerated claim or statement about the services of a mental health organization or agency, including, but not limited to, the effectiveness of services, qualifications, or products.

(c) A licensee must discourage a client from holding exaggerated or false ideas about the licensee's professional services, including, but not limited to, the effectiveness of the services, practice, qualifications, associations, or activities. If a licensee learns of exaggerated or false ideas held by a client or other person, the licensee must take immediate and reasonable action to correct the ideas held.

(d) A licensee must make reasonable efforts to discourage others whom the licensee does not control from making misrepresentations; exaggerated or false claims; or false, deceptive, or fraudulent statements about the licensee's practice, services, qualifications, associations, or activities. If a licensee learns of a misrepresentation; exaggerated or false claim; or false, deceptive, or fraudulent statement made by another, the licensee must take reasonable action to correct the statement.

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

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

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

- (1) within a group; or
- (2) individual counseling.
- (h) A licensee must not evaluate any individual's mental, emotional, or behavioral condition unless the licensee has personally interviewed the individual or the licensee discloses in the evaluation the licensee has not personally interviewed the individual.
- (i) A licensee must not knowingly overtreat a client.
- (j) A licensee must not aid or abet the unlicensed practice of professional counseling by a person required to be licensed under the Act.
- (k) A licensee must report to the Council knowledge of any unlicensed practice of counseling.
- (l) A licensee or an applicant must not participate in the falsification of any materials submitted to the Council.
- (m) A licensee must not provide services while impaired by a physical, mental, or medical condition or by medication, drugs or alcohol.

681.52 Parenting Facilitation

Amended: September 15, 2023

Description: (y) Records of a licensee serving as a parenting facilitator, are not mental health records and are not subject to the disclosure requirements of Texas Health and Safety Code, Chapter 611. At a minimum, records must be maintained for the period of time described in §681.36 of this title (relating to Client Records), or as otherwise directed by the court.

681.72 Required Application Materials

Amended: November 21, 2021

Description: Clause removed from 681.71

681.72 Required Application Materials

Amended: March 27, 2024

Description: (3) The adopted amendments delete the requirement that an applicant must receive a passing score on either the NCE or NCMHCE within five years of the date of application. The licensure exams for other types of behavioral health licensees, such as psychologists and marriage and family therapists, do not have a time limit or expiration for their examination scores. Therefore, this five year expiration for a passing scores is deleted.

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.

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.

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: Repealed due to adoption of §681.140.

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: Repealed due to §681.140.

681.142 Acceptable Continuing Education

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Rule was repealed: February 2023

Description: Repealed due to §681.140.

681.143 Activities Unacceptable as Continuing Education

Rule was repealed: February 2023

Description: Repealed due to §681.140.

681.145 Determination of Clock-hour Credits

Rule was repealed: February 2023

Comment: Repealed due to §681.140.

681.147 40 Clock Hour Supervisor Training Course

Adopted to be effective: February 2023

Description: Changes to the 40 hour supervisor training.

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; 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.

681.205 Schedule of Sanction

Amended: September 21, 2023

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.

LMFT Rule Changes

801.2 Definitions

Addition: November 11, 2023

Description: (13) Added section 13 to define independent practice as the practice of providing marriage and family therapy services to a client without the supervision of an LMFT-S.

801.2 Definitions

Adopted to be effective: February 27, 2022

Description: (15) Licensed marriage and family therapist (LMFT) –a person who offers marriage and family therapy for compensation.

(16) Licensed marriage and family therapist associate (LMFT Associate) –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.

801.142 Supervised Clinical Experience Requirements and Conditions

Amended: November 11, 2023

Description: (1Ai) Change made allowing up to 750 hours of experience for an LMFT associate to be via technology-assisted services (previously 500 hours).

801.143 Supervisor Requirements

Amended: September 22, 2023

Description: The adopted amendments remove the 12 supervisee limit on supervisors, allowing supervisors to determine the appropriate number of supervisees that they can provide adequate supervision. Additionally, the adopted amendments make it clear that a supervisor must establish a plan of custody and control for records of supervision for their LMFT Associates.

801.143 Supervisor Requirements

Addition: November 11, 2023

Description: (d5) Added an established plan for the custody and control of records of supervision as a sixth item for the LMFT Supervisor to maintain in the supervision file.

1) photocopy of Supervisory Agreement Form, 2) proof of Council approval of the Supervisory Agreement Form, 3) record of all locations where the LMFT Associate will practice, 4) dated and signed record of each supervision conference with total number of hours of supervised experience, direct client contact hours, and direct client contact hours with couples or families, 5) any written remediation plan, 6) established plan for the custody and control of records of supervision.

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: This rule no longer requires 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).

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.

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: The licensee 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.

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. Has had a minimum of 100 hours of supervision, over the course of the 3000 hours of experience, with a Council-approved supervisor.

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.

Has had a minimum of 100 hours of supervision, over the course of the 3000 hours of experience, with a Council-approved supervisor.

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.

Has had a minimum of 100 hours of supervision, over the course of the 3000 hours of experience, with a Council-approved supervisor. 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

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.

(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.

781.401 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 (amended)

Adopted to be effective: June 15, 2023

The adopted amendments delete the 48- and 60-month maximums for completing required supervised experience for licensure as a Licensed Clinical Social Worker or for Independent Practice Recognition.

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 the specialty recognition of independent non-clinical practice shall meet requirements and parameters set by the Council.

(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

Adopted to be effective: February 4, 2021; February 27, 2022; September 21, 2022
June 15, 2023

Description: The adopted amendments delete the 48- and 60-month maximums for completing the required supervised experience for licensure as a LCSW or for IPR status. The adopted amendments also provide more specific details regarding the minimum standards for the 40 hours of education required to apply for supervisor status. Additionally, the adopted changes delete some duplicative language regarding the Council's ability to discipline a licensee that

continues to provide supervision after the licensee no longer possesses supervisor status, and the outdated subparagraph that initially required the 40 hours supervision training back in 2014.

(3) The Council-approved supervisor must have completed a 40-hour supervisor's training program acceptable to the Council.

(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; (III) twelve (12) hours for supervision methods and techniques, covering roles, focus (process, conceptualization, and personalization), group supervision, 117 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 September 1, 2023.

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

Amendment: November 11, 2023

Description: (C) Amended language to be more specific regarding payment of a council-approved supervisor who has already been compensated for supervisory duties. They may not charge or collect a fee from the supervisee for supervision provided to them.

781.406 Required Documentation of Qualifications for Licensure (amended)

Amended: February 4, 2021

Description: 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

781.412 Examination Requirement (OUTDATED)

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.

781.412 Examination Requirement (NEW)

Amended: March 27, 2024

Description: (b) Removes the requirement of the scores having been within two years prior to 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.

781.421. Remedy for Incomplete License Requirements

Adopted to be effective: June 15, 2023

Description: The adopted new rule is necessary to allow the Texas State Board of Social Worker Examiners to make exceptions for applicants that have difficulty in fulfilling certain licensing requirements due to a declared disaster.

- (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.

781.501 Requirements for Continuing Education

Adopted to be effective: September 21, 2022; June 15, 2023

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 a Council-approved supervisor;

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

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

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

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

(3) Authoring a book or peer reviewed article. The maximum number of hours that may be claimed for this activity is 5 hours. (4) Teaching or attending a 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 continuing 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.

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

781.501 Requirements for Continuing Education

Addition: November 11, 2023

Description: Allowed for licenses to claim continuing education credit by providing field or practicum instruction to social work students. (One hour of continuing ed can be claimed for each university credit awarded to the social work student for receiving the instruction; max of 10 hours per 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