

## Proposed Rules 8/2024

### BHEC Proposed 8.2.24

#### 882.14 Petition for Waiver or Remediation of Deficiency

(a)An applicant who does not meet the prerequisites for a particular license under Chapters 501, 502, 503, or 505 of the Occupations Code, may petition the Council to waive or remediate a deficiency of their application. The Council may waive a prerequisite, or allow remediation by setting reasonable conditions on the applicant for approval of the license application, if:

(1)the applicant can show

(A)good cause for the deficiency, or

(B)that the deficiency is due to a disaster declared under Chapter 418 of the Government Code or under similar authority in another jurisdiction;

(2)the prerequisite(s) is not mandated by federal law, the Texas Constitution, or state statute;

(3)the deficiency would not adversely affect the public welfare; and

(4)any conditions established by the member board will 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.

(b)Each member board shall be responsible for reviewing petitions for waiver or remediation of a license prerequisite in accordance with §882.4 of this chapter.

#### 882.21 License Statuses

(a)Active Status. Any licensee with a license on active status may practice pursuant to that license, subject to any restrictions imposed by the Council. [~~Active status is the only status under which a licensee may engage in the practice of the licensee's respective profession.~~]

(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. A licensee may not engage in the practice of the licensee's respective profession under an inactive license.

(2)A licensee with an inactive license is not required to comply with continuing education requirements while the license is inactive.

(3)The inactive status period for a license shall coincide with the license renewal period. At the end of the renewal period, if the inactive status has not been renewed or the license returned to active status, the license will expire, unless there is a complaint pending against the license. An inactive license with a pending complaint that has not been renewed or returned to active status within the renewal period will remain in inactive status until resolution of the complaint. Upon resolution, the license shall be subject to any resulting disciplinary action and, if not revoked or resigned, shall expire.

(4)In order to continue on inactive status, an inactive licensee must renew the inactive status each renewal period. Licensees may renew their inactive status through the Council's online licensing system by completing the online renewal requirements and paying the associated fee.

(5)A licensee with a pending complaint may not place a license on inactive status. The Council may sanction a license on inactive status for violations of its rules. If disciplinary action is taken against a licensee's inactive license, the licensee must reactivate the license until the terms of the disciplinary action or restricted status have been terminated. Failure to reactivate a license when required by this paragraph shall constitute grounds for further disciplinary action.

(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.

(7) Any licensee reactivating a license from inactive status must provide proof of completion of the continuing education requirements for renewal of that particular license before reactivation will occur.

(8) A licensee wishing to reactivate a license that has been on inactive status for four years or more must take and pass the relevant jurisprudence exam with the minimum acceptable score, unless the licensee holds another license on active status within the same profession.

(c) Delinquent Status. A licensee who fails to renew a license for any reason when required is considered to be on delinquent status. ~~[Any license delinquent for more than 12 consecutive months shall expire.]~~ A licensee may not engage in the practice of the licensee's respective profession under a delinquent license. The Council may sanction a delinquent licensee for violations of its rules. Any license delinquent for more than 12 consecutive months may not be renewed and shall expire unless there is a complaint pending against the license. A license with a pending complaint that has been delinquent for more than 12 months will remain in delinquent status until resolution of the complaint. Upon resolution, the license shall be subject to any resulting disciplinary action and, if not revoked or resigned, shall expire.

(d) Restricted Status. Any license that is currently suspended, on probated suspension, or is currently required to fulfill some requirements in an agency order is a restricted license. A licensee may not engage in the practice of the licensee's respective profession under a suspended license. A licensee who is under a probated suspension or other restriction may only practice under the terms of that restriction.

(e) Retirement Status. A licensee who is on active, ~~[-or] inactive, or delinquent~~ status may retire the license by submitting an online application to the Council. ~~[-notifying the Council in writing prior to the renewal date for the license. A licensee with a delinquent status may also retire the license by notifying the Council in writing prior to the license expiring.]~~ However, a licensee with a pending complaint or restricted license may not retire the license. A licensee who retires a license shall be reported to have retired in good standing. A licensee may not engage in the practice of the licensee's respective profession under a retired license.

(f) Resignation Status. A licensee may resign only upon express agreement with the Council. A licensee may not engage in the practice of the licensee's respective profession under a resigned license.

(g) Expired Status. A license that has been delinquent for more than 12 consecutive months or any inactive license that is not renewed or reactivated is considered to be expired, except delinquent or inactive licenses pending complaint resolution. A licensee may not engage in the practice of the licensee's respective profession under an expired license.

(h) Revoked Status. A revoked status results from a license being revoked pursuant to an agency order. A licensee may not engage in the practice of the licensee's respective profession under a revoked license.

## **884.10 Investigation of Complaints**

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

(1)High Priority - cases involving sexual misconduct or a probability of imminent physical harm to the public or a member of the public; and

(2)Regular Priority - cases involving all other violations of state or federal law.

(b)The Enforcement Division shall investigate all complaints in a timely manner. A schedule shall be established for conducting each phase of a complaint that is under the control of the Council not later than the 30th day after the date the complaint is received. The schedule shall be kept in the information file of the complaint, and all parties shall be notified of the projected time requirements for pursuing the complaint. A change in the schedule must be noted in the complaint information file, and all parties to the complaint must be notified in writing not later than the seventh day after the date the change is made.

(c)The Council may accept, but is not obligated to investigate, a complaint that lacks sufficient information to identify the source or the name of the person who filed the complaint, a complaint that lacks sufficient evidence to identify a specific violation, or a complaint with an uncooperative complainant.

(d)A complainant may explain the allegations made in the complaint by attaching or including with the complaint any evidence the complainant believes is relevant to a determination of the allegations, including written statements or communications, medical or mental health records, recordings, photographs, or other documentary evidence.

(e)A review will be conducted upon receipt of a complaint to determine if the Council has jurisdiction over the complaint, and if so, whether the complaint states an allegation which, if true, would constitute a violation of the Council's rules or other law within the jurisdiction of the Council.

(f)Complaints that do not state a violation of a law within the jurisdiction of the Council shall be dismissed. If the complaint alleges a violation of a law within the jurisdiction of another agency, the complaint will be referred to that agency as required or allowed by law.

(g)Complaints that state a violation of a law within the jurisdiction of the Council shall be investigated by an investigator assigned by the Enforcement Division.

(h)Licensees will receive written notice of any alleged complaint(s), including specific information regarding any violation(s) encountered. Notice to a licensee is effective and service is complete when sent by registered or certified mail to the licensee's address of record at the time of the mailing.

(i)Following completion of the investigation, an investigation report shall be drafted. This report shall include a recommendation as to whether the investigation has produced sufficient evidence to establish probable cause that a violation has occurred.

(j)The Enforcement Division Manager (or the manager's designee) and legal counsel shall review the investigation report to determine if there is probable cause that a violation occurred.

(k)A complaint for which the staff determines probable cause exists shall be referred for an informal conference by agency staff or a member board's Disciplinary Review Panel. Agency staff shall send the respondent notice of the date and time of the informal conference.

(l)A complaint for which staff or a Disciplinary Review Panel determines that probable cause does not exist shall be referred for dismissal.

(m)The services of a private investigator shall be retained only in the event that staff investigator positions are vacant or inadequate to provide essential investigative services. The services of a

private investigative agency shall be obtained in accordance with the state's procurement procedures.

(n) If a complainant or respondent are represented by an attorney, any notice or service required by law shall be made upon the attorney at the attorney's last known address.

#### **884.60 Depositions, Subpoenas, and Witness Expenses**

(a) In accordance with §§2001.089 and 2001.094 of the Government Code and §507.206 of the Occupations Code, on the written request of any party, the executive director may issue a commission for a deposition or a subpoena to require the attendance of witnesses or the production of tangible items in a contested case docketed at SOAH.

(b) If the commission or subpoena is for a witness to attend a deposition or a hearing, the written request shall contain the name and address of the witness and the date and location where the witness must appear.

(c) If the subpoena is for the production of tangible items, the written request shall contain a description of the items, the name and address of the person who has custody of the items, and the date and location where they must be produced.

(d) Each subpoena or commission request shall contain a statement why it should be issued.

(e) The executive director shall issue a subpoena or commission if there is good cause.

(f) A witness who is not a party and who is subpoenaed to appear at a deposition or hearing is entitled to reimbursement for expenses in accordance with Texas Government Code §2001.103.

(g) The party or agency at whose request a witness appears or the deposition is taken shall be responsible for payment of the expenses required by this rule.

(h) A party requesting a commission or subpoena shall deposit funds with the Council, in the form of a check or money order made payable to the witness, sufficient to cover the anticipated expenses for complying with the subpoena. The executive director may not issue a party's subpoena or commission until sufficient funds are deposited.

(i) The Council shall forward the deposited funds to the witness via certified mail, along with a copy of the subpoena or commission. Alternatively, if the party requesting the subpoena or commission wishes to serve the witness by another means then the deposited funds shall be returned to that party, via regular or certified mail, along with a copy of the subpoena or commission to be served by the requesting party.

(j) In accordance with §§2001.089 and 2001.094 of the Government Code and §507.206 of the Occupations Code, the executive director or presiding member of the Council has the exclusive authority to issue a commission or subpoena, as well as approve or deny a request for the same.

#### **884.60 Witness Fees (Repeal to be replaced by new rule above)**

#### **885.1 Executive Council Fees**

(a) General provisions.

(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.

(2) Fees required to be submitted online to the Council must be paid by debit or credit card. All other fees paid to the Council must be in the form of a personal check, cashier's check, or money order.

(3) For applications and renewals the Council is required to collect fees to fund the Office of Patient Protection (OPP) in accordance with Texas Occupations Code §101.307, relating to the Health Professions Council.

(4) For applications, examinations, and renewals the Council is required to collect subscription or convenience fees to recover costs associated with processing through Texas.gov.

(5) All examination fees are to be paid to the Council's designee.

(b) The Executive Council adopts the following chart of fees:

(1) Fees effective through August 31, 2023. (No change)

Figure: 22 TAC §885.1(b)(1) (No change.)

(2) Fees effective on September 1, 2023.

[Attached Graphic](#)

[~~Figure: 22 TAC §885.1(b)(2)~~]

(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 been expired (i.e., delinquent) for one year or more, the person may not renew the license; however, if eligible the person may apply for reinstatement of the license.

(d) Open Records Fees. In accordance with §552.262 of the Government Code, the Council adopts by reference the rules developed by the Office of the Attorney General in 1 TAC Part 3, Chapter 70 (relating to Cost of Copies of Public Information) for use by each governmental body in determining charges under Government Code, Chapter 552 (Public Information) Subchapter F (Charges for Providing Copies of Public Information).

(e) Military Exemption for Fees. All licensing and examination base rate fees payable to the Council are waived for applicants who are: [~~the following individuals:~~]

(1) military service members and military veterans, as those terms are defined by Chapter 55, Occupations Code, whose military service, training, or education substantially meets all licensure requirements; or [~~and~~]

(2) military service members, military veterans, and military spouses, as those terms are defined by Chapter 55, Occupations Code, who hold a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements of this state.

## **LMFT Proposed 8.2.24**

### **801.114 Academic Course Content**

(a) An applicant who holds a graduate degree in a mental health-related field must have course work in each of the following areas:

- (1) theoretical foundations of marriage and family therapy--three semester hours;
  - (2) assessment and treatment in marriage and family therapy--12 semester hours;
  - (3) human development, gender, multicultural issues and family studies--six semester hours;
  - (4) psychopathology--three semester hours;
  - (5) professional ethics--three semester hours;
  - (6) applied professional research--three semester hours; and
  - (7) supervised clinical internship--12 months or nine semester hours.
- (b) An applicant who begins a graduate degree program in marriage and family therapy or a mental health-related field on or after August 1, 2017, must complete course work and the minimum required semester hours in each of the following areas (the earliest class reported on one of an applicant's official transcripts denotes the start of a program):
- (1) theoretical knowledge and foundations of marriage and family therapy--three semester hours--including the historical development, theoretical and empirical foundations, and contemporary conceptual directions of the field of marriage and family therapy;
  - (2) assessment and treatment in marriage and family therapy--12 semester hours--including but is not limited to treatment approaches specifically designed for use with a wide range of diverse couples, families, and children, including sex therapy, same sex couples, young children, adolescents, interfaith couples, crisis intervention, and elderly;
  - (3) human development, gender, multicultural issues and family studies--six semester hours;
  - (4) psychopathology--three semester hours--including traditional psycho-diagnostic categories including knowledge and use of the Diagnostic and Statistical Manual of Mental Disorders;
  - (5) professional ethics--three semester hours--including professional identity of the marriage, couple, and family therapist, including professional socialization, scope of practice, professional organizations, licensure and certification; and ethical issues related to the profession of marriage, couple, and family therapy as well as the practice of individual therapy;
  - (6) applied professional research--three semester hours--including research evidence related to MFT, becoming an informed consumer of research, and research and evaluation methods;
  - (7) treatment of addictions and management of crisis situations--no minimum requirements;
  - (8) supervised clinical internship--12 months or nine semester hours. During the supervised clinical internship, the applicant must have 300 hours of experience, of which:
    - (A) at least 150 hours must be direct client contact hours; and
    - (B) of the 150 direct client contact hours, at least 75 hours must be direct client contact with couples and families.
- (c) The remaining courses needed to meet the 45 or 60 graduate semester hour requirement must be marriage and family therapy or related course work in areas directly supporting the development of an applicant's professional marriage and family, individual, or group therapy skills.
- ~~[(d) Staff may issue an LMFT Associate license to an applicant who has a deficiency in pre-graduate internship months, semester hours, or clock hours required by subsection (a)(7) or (b)(8) of this section, but must require the applicant to complete the deficient months, semester hours, or clock hours in addition to the post-graduate, licensed supervised clinical experience requirements in §801.142 of this title (relating to Supervised Clinical Experience Requirements and Conditions) before awarding an LMFT license to that applicant.]~~

**801.115 Academic Requirements and Supervised Clinical Internship Equivalency for Applicants Currently Licensed as an LMFT in Another Jurisdiction (Proposed repeal)**

### **801.142 Supervised Clinical Experience Requirements and Conditions**

An applicant for LMFT must complete supervised clinical experience acceptable to the council.

(1) The LMFT Associate must have completed a minimum of two years of work experience in marriage and family therapy, which includes a minimum of 3,000 hours of supervised clinical practice. The required 3,000 hours must include at least 1,500 hours providing direct clinical services, of which:

~~[(A) at least 1,500 hours providing direct clinical services, of which:]~~

~~(A) [(i)]~~ no more than 750 hours may be provided via technology-assisted services (as approved by the supervisor); and

~~(B) [(ii)]~~ at least 500 hours must be providing direct clinical services to couples or families.

~~[(B) of the 200 hours of council-approved supervision, as defined in §801.2 of this title (relating to Definitions), of which:]~~

~~[(i) at least 100 hours must be individual supervision; and]~~

~~[(ii) no more than 50 hours may be provided by telephonic services, but there is no limit for hours by live video.]~~

(2) The remaining required hours, not covered by subsection (1) above, may come from related experiences, including workshops, public relations, writing case notes, consulting with referral sources, etc.

(3) An LMFT Associate must obtain a minimum of 200 hours of supervision by an LMFT-S during the required 3,000 hours, and at least 100 of these hours must be individual supervision.

(A) An LMFT Associate, when providing services, must receive a minimum of one hour of supervision every week, except for good cause shown.

(B) Supervision may be provided in person or by live video or, if the supervisor determines that in-person or live video supervision is not accessible, by telephone.

(C) An LMFT Associate may apply up to 100 graduate internship supervision hours toward the required 200 hours of supervision required for licensure as an LMFT.

~~[(3) An LMFT Associate, when providing services, must receive a minimum of one hour of supervision every week, except for good cause shown.]~~

(4) For an LMFT applicant who begins the graduate degree program used for their license application before September 1, 2025, staff [Staff] may count graduate internship hours exceeding the requirements set in §801.114(b)(8) of this title [(relating to Academic Course Content)] toward the minimum requirement of at least 3,000 hours of supervised clinical practice under the following conditions.

(A) No more than 500 excess graduate internship hours, of which no more than 250 hours may be direct clinical services to couples or families, completed under a Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) accredited graduate program may be counted toward the minimum requirement of at least 3,000 hours of supervised clinical practice.

(B) No more than 400 excess graduate internship hours, of which no more than 200 hours may be direct clinical services to couples or families, completed under a non-COAMFTE-accredited graduate program may be counted toward the minimum requirement of at least 3,000 hours of supervised clinical practice.

~~[(C) No more than 100 excess graduate internship supervision hours may be counted toward the minimum requirement of at least 200 hours of council-approved supervision.]~~

(5) An LMFT Associate may practice marriage and family therapy in any setting under supervision, such as a private practice, public or private agencies, hospitals, etc.

(6) During the post-graduate, supervised clinical experience, both the supervisor and the LMFT Associate may have disciplinary actions taken against their licenses for violations of the Act, the Council Act, or council rules.

(7) Within 30 days of the initiation of supervision, an LMFT Associate must submit to the council a Supervisory Agreement Form for each council approved supervisor.

(8) An LMFT Associate may have no more than two council-approved supervisors at a time, unless given prior approval by the council or its designee.

~~[(9) Except as specified in paragraph (4) of this section, hours of supervision and supervised clinical experience accrued toward an out-of-state LMFT license may be accepted only by endorsement.]~~

~~[(A) The applicant must ensure supervision and supervised experience accrued in another jurisdiction is verified by the jurisdiction in which it occurred and that the other jurisdiction provides verification of supervision to the council.]~~

~~[(B) 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, the supervised clinical experience requirements are considered met. If licensed for any other two-year period, the application will be reviewed to determine whether clinical experience requirements have been met in accordance with council rules, 22 Texas Administrative Code §882.1 (relating to Application Process).]~~

~~(9)~~ [(10)] Applicants with a master's degree that qualifies under §§801.112 and 801.113 may count any supervision and experience (e.g., practicum, internship, externship) completed after conferral of the master's degree and as part of a doctoral program, toward the supervision and experience requirements set out in §801.142. A doctoral program must lead to a degree that qualifies under §§801.112 and 801.113 before the Council will award credit for supervision and experience under this provision.

### **801.201 Temporary License**

(a) A temporary license may be issued to an applicant seeking to practice in this state for a limited time and purpose. To be eligible for temporary licensure, an applicant must:

(1) submit a completed application for temporary licensure;

(2) pay the application fee;

(3) submit proof that the applicant is actively licensed, certified, or registered to practice independently, without supervision, as a marriage and family therapist by another jurisdiction; and

(4) submit documentation indicating that the applicant is in good standing with that jurisdiction.

(b) Applicants meeting the requirements for temporary licensure shall be granted a temporary license authorizing the delivery of marriage and family therapy services for no more than thirty (30) days. Upon utilization of the full thirty days, or the expiration of one year from the date of licensure, whichever occurs first, the temporary license shall expire.

(c) Upon utilization of the full thirty days, or the expiration of one year from the date of licensure, whichever occurs first, the temporary licensee must submit written notification to the Council of the dates the licensee delivered marriage and family therapy services in this state.



(d)Temporary licensees are subject to all applicable laws governing the practice of marriage and family therapy in this state, including the Licensed Marriage and Family Therapist Act and Council rules.

(e)An applicant for permanent licensure in this state is not eligible for temporary licensure. Upon receipt of an application for permanent licensure by a temporary license holder, any temporary license held by an applicant shall expire without further action or notice by the Council.

(f)A temporary license holder may not receive another temporary license until the expiration of one year from the date of issuance of their last temporary license, regardless of whether that license is active or expired.

## **SW Proposed 8.2.24**

### **781.302 The Practice of Social Work**

(a)Practice of Baccalaureate Social Work--Applying social work theory, knowledge, methods, ethics and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations and communities. Baccalaureate Social Work is generalist practice and may include interviewing, assessment, planning, intervention, evaluation, case management, mediation, counseling, supportive counseling, direct practice, information and referral, problem solving, supervision, consultation, education, advocacy, community organization, and policy and program development, implementation, and administration. An LBSW may only practice social work in an agency employment setting or under contract with an agency, unless under a non-clinical supervision plan per §781.402(d)(1) of this title.

(b)Practice of Independent Non-Clinical Baccalaureate Social Work--An LBSW recognized for independent practice, known as LBSW-IPR, may provide any non-clinical baccalaureate social work services in either an employment or an independent practice setting. An LBSW-IPR may work under contract, bill directly for services, and bill third parties for reimbursements for services. An LBSW-IPR must restrict his or her independent practice to providing non-clinical social work services.

(c)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 biopsychosocial 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. An LMSW may only practice social work in an agency employment setting or under contract with an agency, unless under a non-clinical supervision plan per §781.402(d)(1) of this title. An LMSW may practice clinical social work, as defined by subsection (f) of this section, in an agency employment setting or under contract with an agency if under clinical supervision per §781.404(a)(2) of this title or under a clinical supervision plan per §781.404(a)(3) of this title.

(d)Advanced Non-Clinical Practice of LMSWs--An LMSW recognized as an Advanced Practitioner (LMSW-AP) may provide any non-clinical social work services in either an employment or an independent practice setting. An LMSW-AP may work under contract, bill directly for services, and bill third parties for reimbursements for services. An LMSW-AP must restrict his or her practice to providing non-clinical social work services.

(e)Independent Practice for LMSWs--An LMSW recognized for independent practice may provide any non-clinical social work services in either an employment or an independent practice setting. This licensee is designated as LMSW-IPR. An LMSW-IPR may work under contract, bill directly for services, and bill third parties for reimbursements for services. An LMSW-IPR must restrict his or her independent practice to providing non-clinical social work services.

(f)Practice of Clinical Social Work--The practice of social work that requires applying social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or bio-psychosocial functioning of individuals, couples, families, groups, and/or persons who are adversely affected by social or psychosocial stress or health impairment. The practice of clinical social work requires applying specialized clinical knowledge and advanced clinical skills in assessment, diagnosis, and treatment of mental, emotional, and behavioral disorders, conditions and addictions, including severe mental illness and serious emotional disturbances in adults, adolescents, and children. The clinical social worker may engage in Baccalaureate Social Work practice and Master's Social Work practice. Clinical treatment methods may include but are not limited to providing individual, marital, couple, family, and group therapy, mediation, counseling, supportive counseling, direct practice, and psychotherapy. Clinical social workers are qualified and authorized to use the Diagnostic and Statistical Manual of Mental Disorders (DSM), the International Classification of Diseases (ICD), Current Procedural Terminology (CPT) Codes, and other diagnostic classification systems in assessment, diagnosis, treatment and other practice activities. An LCSW may provide any clinical or non-clinical social work service or supervision in either an employment or independent practice setting. An LCSW may work under contract, bill directly for services, and bill third parties for service reimbursements.

(g)A licensee who is not recognized for independent practice and ~~[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.]~~

~~[(h)An LBSW or LMSW who is not recognized for independent practice may not provide direct social work services to clients from a location that she or he owns or leases and that is not owned or leased by an employer or other legal entity with responsibility for the client. This does not preclude in-home services such as in-home health care or the use of electronic media to provide services in an emergency.]~~

(h)~~[(+)]~~ 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 if, unless the LBSW or LMSW is under a formal supervision plan.

## **LMFT Proposed 5.17.24**

### **801.143 Supervisor Requirements**

(a) To apply for supervisor status, an LMFT must be in good standing and submit:

(1) an application and applicable fee;  
(2) documentation of the completion of at least 3,000 hours of LMFT practice over a minimum of 3 years; and

(3) documentation of one of following:

(A) successful completion of a 3-semester-hour, graduate course in marriage and family therapy supervision from an accredited institution;

(B) a 40-hour continuing education course in clinical supervision; or

(C) successful completion of an American Association for Marriage and Family Therapy (AAMFT) approved Fundamentals of Supervision course.

~~[(a) To apply for supervisor status, an LMFT in good standing must submit an application and applicable fee as well as documentation of the of following:]~~

~~[(1) completion of at least 3,000 hours of LMFT practice over a minimum of 3 years; and]~~

~~[(A) successful completion of a 3-semester-hour, graduate course in marriage and family therapy supervision from an accredited institution; or]~~

~~[(B) a 40-hour continuing education course in clinical supervision; or]~~

~~[(2) designation as an approved supervisor or supervisor candidate by the American Association for Marriage and Family Therapy (AAMFT).]~~

(b) A supervisor may not be employed by the person he or she is supervising.

(c) A supervisor may not be related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood or adoption) to the person whom he or she is supervising.

(d) Within 60 days of the initiation of supervision, a supervisor must process and maintain a complete supervision file on the LMFT Associate. The supervision file must include:

(1) a photocopy of the submitted Supervisory Agreement Form;

(2) proof of council approval of the Supervisory Agreement Form;

(3) a record of all locations at which the LMFT Associate will practice;

(4) a dated and signed record of each supervision conference with the LMFT Associate's total number of hours of supervised experience, direct client contact hours, and direct client contact hours with couples or families accumulated up to the date of the conference;

(5) an established plan for the custody and control of the records of supervision for each LMFT Associate in the event of the supervisor's death or incapacity, or the termination of the supervisor's practice; and

(6) a copy of any written plan for remediation of the LMFT Associate.

(e) Within 30 days of the termination of supervision, a supervisor must submit written notification to the council.

(f) Both the LMFT Associate and the council-approved supervisor are fully responsible for the marriage and family therapy activities of the LMFT Associate.

(1) The supervisor must ensure the LMFT Associate knows and adheres to all statutes and rules that govern the practice of marriage and family therapy.

(2) A supervisor must maintain objective, professional judgment; a dual relationship between the supervisor and the LMFT Associate is prohibited.

(3) A supervisor may only supervise the number of individuals for which the supervisor can provide adequate supervision.

(4) If a supervisor determines the LMFT Associate may not have the therapeutic skills or competence to practice marriage and family therapy under an LMFT license, the supervisor must develop and implement a written plan for remediation of the LMFT Associate.

(5) A supervisor must timely submit accurate documentation of supervised experience.

(g) Supervisor status expires with the LMFT license.

(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) Upon execution of a Council order for probated suspension, suspension, or revocation of the LMFT license with supervisor status, the supervisor status is revoked. A licensee whose supervisor status is revoked must: [~~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)(3)(B) of this rule, must meet each of the following requirements: [~~The 40-hour supervision training must comply with §801.261 of this title (relating to Requirements for Continuing Education) and:~~]

(1) the course must be taught by a graduate-level licensee holding supervisor [~~licensed marriage and family therapist holding supervisor~~] status issued by the Council:

(2) all related coursework and assignments must be completed over a time period not to exceed 90 days; and

(3) the 40-hour supervision training must include at least:

(A) three (3) hours for defining and conceptualizing supervision and models of supervision;

(B) three (3) hours for supervisory relationship and marriage and family therapist development;

(C) twelve (12) hours for supervision methods and techniques, covering roles, focus (process, conceptualization, and personalization), group supervision, multi-cultural supervision (race, ethnic, and gender issues), and evaluation methods;

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

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

(n) Subsection (m) of this rule is effective May 1, 2023

## **LMFT Proposed 5.17.24**

### **801.261 Requirements for Continuing Education**

#### **(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. Additionally, effective September 1, 2024, the 30 hours of continuing education must also include 1 hour of continuing education in crisis management.

(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 and crisis management activities. [~~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.~~]

(1) 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.

(2) Crisis management hours include, but are not limited to continuing education regarding suicidal ideation, homicidal ideation, abuse or neglect, domestic violence, crisis prevention, and crisis or disaster response.

(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;

(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) above, 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.

### **LSW Proposed 10.24.23**

#### **781.323 Technology in Social Work Practice**

When social workers use technology to provide services, they are subject to all rules and statutes, including this chapter and Occupations Code, Chapter 505, as if providing face to face services. Licensees who provide professional services to clients or supervision to supervisees outside the State of Texas must comply with the laws and rules of Texas and of the out-of-state authority which govern the practice of social work. Electronic practice may be utilized by licensees, but it must meet the same standards of practice as licensees who practice face to face services.