

Texas Ethics: 2025 Update for all BHEC licenses

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Housekeeping



Materials

Sent this week to the email you used to register.

Have you completed and returned the video release?



Chat

Virtual: Keep your eye on the chat in case training staff has a question, especially for the first 15 minutes.



Participants

How many of us are together today?



Questions

I will ask periodically for questions.

In Person: make a note for yourself to remember

Virtual: Send in the chat



Screen Name & Camera

Virtual: screen name needs to be your name and camera must be on at all times.



Amenities

In Person:

Bathrooms and WiFi password

Learning Objectives

1

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

2

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

3

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



1

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

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

Ethical Decision-Making

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

Moral Paradigms

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

Moral Paradigms Continued

➤ CONFIDENTIALITY AND MANDATED REPORTING

Five Decision-Making Models

Five Decision-Making Models

1. Standards-Based Model

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

Steps:

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

Five Decision-Making Models

2. Principles-Based Model

Clarify

- Determine dilemma
- Key ethical principles and values involved

Evaluate

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

Five Decision-Making Models

2. Principles-Based Model, continued

Decide

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

Consider worst-case scenario and apply principles

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

Five Decision-Making Models

3. Virtues-Based Model

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

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

Five Decision-Making Models

4. Moral Reasoning Model

Recognize moral issue

Make a judgment

Establish intent

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

Five Decision-Making Models

4. Moral Reasoning Model, continued

Moral Intensity (effect of decision on others):

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

Five Decision-Making Models

5. Practice-Based Integrated Model

Recognize there is a dilemma

Determine the actor(s)

Gather the relevant facts

Test for right vs. wrong issues

Test for right vs. right paradigms

Determine resolution principles involved

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

Five Decision-Making Models

5. Practice-Based Integrated Model, continued

Investigate possibilities for action

Consult

Weigh benefits and burdens

Consider additional dilemmas

Make the decision

Formulate a justification for the decision

- List reasons and arguments
- Recognize shortcomings

Five Decision-Making Models

5. Practice-Based Integrated Model, continued

Anticipate objections

- Recognize limitations in perspective

Document

Review and reflect on decision

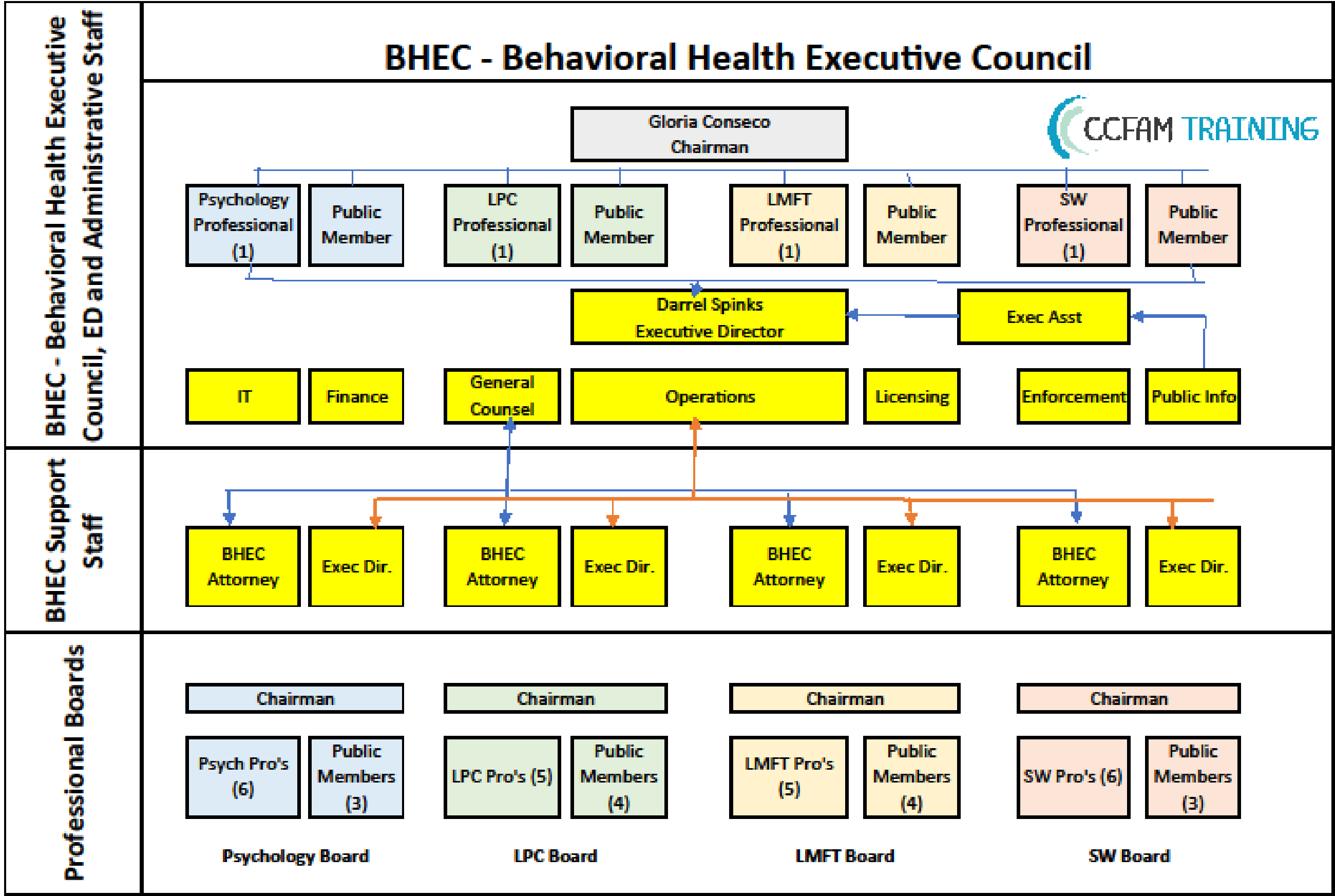
**Was there a model you
identified using in the past or
present?**

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



2

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



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

State and Federal – HIPAA Compliance

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

False, deceptive, misleading, or fraudulent information

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

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

No LPC, LMFT, or SW shall make false, misleading, or exaggerated claims regarding what types of entities?

Any organization or entity

[changed from mental health organizations or agencies]

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

-
- 1) Fees and arrangements for payment,
 - 2) counseling purposes, goals, and techniques;
 - 3) restrictions on the licensee,
 - 4) limits on confidentiality,
 - 5) using another individual to provide counseling,
 - 6) supervision of a licensee, including the name, address, contact information, and qualifications of the supervisor
 - 7) the name, address, and phone number of the Council, and
 - 8) an established plan for custody and control of the client's mental health records

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

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

According to the NBCC Code of Ethics, what should be included in the plan?

- 1) how client confidentiality and records will be maintained,
- 2) professionals familiar with legal and ethical requirements,
- 3) who will assist in locating new providers, and
- 4) who will transfer client records

For Psychologists, what must a client be made aware of prior to giving informed consent to professional services?

Purpose and nature of the services, and financial policies which includes but is not limited to:

- 1) Specific goals of the services
- 2) Procedures to be utilized to deliver the services
- 3) Possible side effects
- 4) If applicable, possible duration of services
- 5) Confidentiality of and relevant limits thereto
- 6) Cost and methods of payment
- 7) Provisions for cancellation of and payments for missed appointments
- 8) Right of access to the records of the services

A Social Worker's informed consent or written receipt of information must be signed by the client. It must also include what 5 things?

-
- 1) licensee's qualification,
 - 2) any intent to delegate service provision,
 - 3) restrictions on the licensee by the Council,
 - 4) limits on confidentiality and privacy,
 - 5) fees and payment arrangements

What type of language should a Psychologist's informed consent use?

Language that is reasonably understandable
to the recipients



AUTHORIZATION TO DISCLOSE PROTECTED HEALTH INFORMATION

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

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

NAME OF PATIENT OR INDIVIDUAL

Last _____ First _____ Middle _____

OTHER NAME(S) USED _____

DATE OF BIRTH Month _____ Day _____ Year _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

PHONE (____) _____ ALT. PHONE (____) _____

EMAIL ADDRESS (Optional): _____

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

Person/Organization Name _____
Address _____
City _____ State _____ Zip Code _____
Phone (____) _____ Fax (____) _____

WHO CAN RECEIVE AND USE THE HEALTH INFORMATION?

Person/Organization Name _____
Address _____
City _____ State _____ Zip Code _____
Phone (____) _____ Fax (____) _____

REASON FOR DISCLOSURE (Choose only one option below)

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

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

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

Your initials are required to release the following information:

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

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

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

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

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

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

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

SIGNATURE X _____ DATE _____
Signature of Minor Individual

IMPORTANT INFORMATION ABOUT THE AUTHORIZATION TO DISCLOSE PROTECTED HEALTH INFORMATION

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

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

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

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

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

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

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

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

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

Limitations of this form - This authorization form shall not be used for the disclosure of any health information as it relates to: (1) health benefits plan enrollment and/or related enrollment determinations (45 C.F.R. § 164.508(b)(4)(ii), .508(c)(2)(ii)); (2) psychotherapy notes (45 C.F.R. § 164.508(b)(3)(ii)); or for research purposes (45 C.F.R. § 164.508(b)(3)(i)).

Use of this form does not exempt any entity from compliance with applicable federal or state laws or regulations regarding access, use or disclosure of health information or other sensitive personal information (e.g., 42 CFR Part 2, restricting use of information pertaining to drug/alcohol abuse and treatment), and does not entitle an entity or its employees, agents or assigns to any limitation of liability for acts or omissions in connection with the access, use, or disclosure of health information obtained through use of the form.

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

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



According the NBCC Code of Ethics, how should the release of information be documented?

In a manner consistent with the
practice's written procedures

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

Correct the statement

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

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

If a Psychologist becomes aware of misuses or misrepresentation of their services or the results of their services, what should be done?

Take reasonable steps to correct or minimize the misuse or misrepresentation

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

Professional relationship

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

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

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

-
- 1) Office procedures,
 - 2) after-hours coverage,
 - 3) Services provided,
 - 4) fees,
 - 5) And arrangements for payment

Regarding new clients, a Psychologist, LMFT, or SW shall not accept any remuneration from any person or firm for doing what?

Referring clients

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

Securing or soliciting clients or patronage

No LPC, LMFT, or SW shall engage in activities for the licensee's personal gain at whose expense?

The client's

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

The licensee's personal or business interest

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

Promote the activities

What types of boundaries must LMFT, LPC, and SW licensees set and maintain?

Professional boundaries

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

Two years after the termination of counseling

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

A non-therapeutic relationship

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

Five years

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

That the relationship is consensual, was not the result of exploitation by the licensee, and that the relationship is not detrimental to the client

With whom may a Psychologist engage in a sexual or dating relationship at least 2 years after the termination of a client?

The parents, guardians, spouses, significant others, children, or siblings of a former client, but not the former client

**According to the NBCC Code of Ethics,
how many years do they recommend
waiting before a non-counseling
relationship with a former client?**

5 years

All LPC, LMFT, and SW licensees shall not provide services to whom?

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

A psychologist shall not enter into what types of relationship?

Relationships where personal, financial, or other relationships are likely to impair the licensee's objectivity or pose an unreasonable risk of harm to a client

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

\$50

* Associations recommend documenting
(no requirement for LMFT or
Psychologist)

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

\$25

* Associations recommend documenting

An LPC, LMFT, or SW shall not enter into a non-professional relationship with what 3 types of people?

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

A Psychologist shall not enter into a dual relationship relationship with what types of people?

Clients, patients, supervisees, students, groups, organizations, or any other party that may cause or receive harm from the dual relationship

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

Clients or relatives of clients

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

Up to the 4th degree

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

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

Take immediate and reasonable action to inform the other mental health services provider

(For SWs) Request a release from the client to inform the other professional

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

Request a release from the client to inform the other professional

What must a Psychologist do before knowingly offering or providing professional services to an individual concurrently receiving services from another provider?

Discuss consequent treatment issues with the client

After proper consent has been obtained, the licensee shall consult with the other service provider

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

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

According to the NBCC Code of Ethics, what needs to happen when a diagnosis for a client is updated or new goals are created?

Client written approval of changes

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

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

All LPC, LMFT, and SW licensees shall ensure the subject in research does not suffer from what?

Emotional, physical, or social harm

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

Texas

How does BHEC define independent practice for an LPC Associate?

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

The definition of independent practice allows LPC Associates to own what 2 things?

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

LPC Associates may receive what from clients?

Direct payment

Rather than a copy of his or her Associate's wall certificate, what must an LPC Supervisor keep for each Associate?

A copy of the online license verification

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

Acknowledgement of the LPC Associate's self-employment

Who has responsibility for an LPC Associate?

Both the associate and supervisor bear responsibility.

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

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

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

On what shall a Psychologist base professional judgments?

Scientifically and professionally derived knowledge

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

Client's progress

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

7 years

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

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

What are LPC, LMFT, and SW licensees allowed to bill clients or third parties for?

Services that are actually rendered or agreed to in writing

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

Notify the client by mutual written agreement

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

Medical personnel or law enforcement

What should LPC, LMFT, and SW licensees do upon discovering any unlicensed practice of counseling?

Report to the Council

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

Billing document

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

Types of treatment and charges for counseling treatment

What is the SW and LPSY responsibility if a client must barter for services?

Ensure that the client is in no way harmed

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

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

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

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

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

A minimum of 24 months

What are BHEC supervision requirements for LCSW?

-
- 1) There is no longer a base line requirement of 1 supervision hour for every 40 hours worked.
 - 2) The Council requires that supervision occur in proportion to the number of actual hours worked but does not require a specific proportion.

What are BHEC requirements for how many times SW applicants can take the ASWB national examination?

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

**How many attempts does a
Psychologist applicant have to take
Council-administered or required
exams?**

3 attempts

Under what circumstance may the Council place an abeyance on an application for up to 180 days?

When there is a high priority complaint against the applicant.

Sanctions, BHEC:

These disciplinary sanction guidelines are designed to provide guidance in assessing sanctions for violations of the Occupations Code, Chapter 507, and the Council's rules. The purpose of disciplinary sanctions is to protect the public, deter future violations, offer opportunities for rehabilitation if appropriate, punish violators, and deter others from violations. These guidelines are intended to promote consistent sanctions for similar violations, facilitate timely resolution of cases, and encourage settlements.

- 1) **Single Violation.** The standard disciplinary sanctions outlined in the applicable schedule of sanctions shall apply to cases involving a single violation, and in which there are no aggravating or mitigating factors.
- 2) **Multiple Violations.** The Council may impose more severe or restrictive sanctions for multiple violations.
- 3) **Aggravating and Mitigating Factors.** The Council may impose more or less severe or restrictive sanctions, based on any aggravating and/or mitigating factors that are found to apply in a particular case.
- 4) The maximum disciplinary sanction in all cases is revocation of the license, which may be accompanied by an administrative penalty of up to \$5,000 per violation. In accordance with §507.352 of the Occupations Code, each day the violation continues or occurs is a separate violation.
- 5) Each violation constitutes a separate offense, even if arising out of a single act.

Sanctions, BHEC:

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

Level One - revocation of license. These violations

evidence intentional or gross misconduct on the part of the licensee and/or cause or pose a high degree of harm to the public and/or require severe punishment as a deterrent to the licensee, or other licensees. The fact that a license is ordered revoked does not necessarily mean the licensee can never regain licensure.

Level Two - Suspension for a definite period of time;

Level Three - Suspension plus probation of any or all of the suspension period;

Level Four - Probation of the license for a definite period of time;

Level Five - Reprimand

Level Six - Administrative Penalty

Sanctions, LPC:

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

Level One--revocation of license. These violations evidence intentional or gross misconduct on the part of the licensee and/or cause or pose a high degree of harm to the public and/or require severe punishment as a deterrent to the licensee, or other licensees. The fact that a license is ordered revoked does not necessarily mean the licensee can never regain licensure.

Level Two--extended suspension of license. These violations involve less misconduct, harm, or need for deterrence than Level One violations, but may require termination of licensure for a period of not less than one year.

Level Three--moderate suspension of license. These violations are less serious than Level Two violations, but may require termination of licensure for a period of time less than a year.

Level Four--probated suspension of license. These violations do not involve enough harm, misconduct, or need for deterrence to warrant termination of licensure, yet are severe enough to warrant monitoring of the licensee to ensure future compliance. Probationary terms may be ordered as appropriate.

Level Five--reprimand. These violations involve inadvertent or relatively minor misconduct and/or rule violations.

Licensees who are in violation of a Council rule in this chapter may be subject to an administrative penalty of up to \$5,000 per violation, per day of occurrence, and/or be required to refund all or a portion of the fees received from a consumer.

Supervisors who are in violation of a Council rule in this chapter may be subject to an administrative penalty of up to \$5,000 per violation, per day of occurrence, and/or be required to refund all or a portion of the fees received by the supervisor to his or her LPC Associate(s).

Change to Sanctions, SW:

Level One--Revocation of license. The fact that a license is ordered revoked does not necessarily mean the licensee can never regain licensure. The Council may also impose an administrative penalty of not less than \$250 or more than \$5,000 for each Level One violation. Each day a violation continues or occurs is a separate violation for the purpose of imposing a financial penalty.

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.

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.

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.

Sanctions, LMFT:

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

Level One--Revocation of license. These violations evidence intentional or gross misconduct on the part of the licensee or cause or pose a high degree of harm to the public or may require severe punishment as a deterrent to the licensee, or other licensees.

Level Two--Suspension of license. These violations involve less misconduct, harm, or need for deterrence than Level One violations, but may require suspension of licensure for a period of time.

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. Probationary terms may be ordered as appropriate.

Level Four--Reprimand. These violations involve inadvertent or relatively minor misconduct or rule violations not directly involving the health, safety and welfare of the public.

An administrative penalty may be assessed for any violation, in lieu of, or in addition to, other disciplinary actions. A maximum amount of \$5,000 may be imposed for each violation, each day a violation continues or occurs is a separate violation for purposes of imposing a penalty

For LMFT licensees, what is direct clinical service to couples or family?

Therapeutic service with 2+ individuals from the same system concurrently or within the same system

For LMFT licensees, what relationships are considered ongoing relationships that count as direct service to couples or family?

Family systems, couple systems, enduring friendship/community support systems, and residential, treatment, or situationally connected systems

An LMFT may not offer what kind of services?

Services beyond the licensee's professional capacity

For an LMFT in a doctoral program, what can be used towards supervision and experience requirements towards full licensure?

Any supervision and experience (e.g., practicum, internship, externship) completed after conferral of the master's degree

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

Email*

First Name

Last Name

Lists*

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

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

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

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

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Or Watch Afterward on the Council's YouTube channel:

https://www.youtube.com/channel/UCOOXk_MF3MVylm3ZdGtp_hg

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How-To User Guides

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PROPOSED RULES

BHEC 882.1 Application Process

Applications for licensure are processed in the following manner:

- (1) Applicants must submit for review an official application form, the corresponding application fee, and all information required by law to the Council. The responsibility for submitting a complete application resides solely with the applicant. An application submitted with the incorrect fee amount will be returned to the applicant.
- (2) Applications are reviewed in the order in which they are received, unless the applicant qualifies for expedited processing under §55.005 of the Occupations Code. Applicants who qualify for expedited processing will have their applications processed as soon as practicable. The Council will notify applicants of any deficiency in their application.
- (3) Applications for licensure [~~under Chapters 502, 503, and 505 of the Occupations Code~~] which are incomplete [~~will be held open for one year from the date of receipt, after which, if still incomplete, they will expire.~~] Applications for licensure under Chapter 501 of the ~~Occupations Code which are incomplete~~] will be held open for 180 [~~90~~] days from the date of receipt, after which, if still incomplete, they will expire. If licensure is sought after an application has expired, a new application and filing fee must be submitted.

BHEC 882.1 Application Process

(4) Applications containing a substantive problem with an applicant's qualifications that cannot be resolved by reviewing staff shall proceed through the following chain of review until such matter is resolved to the agency's satisfaction:

(A) Reviewing staff's immediate supervisor;

(B) Licensing Manager;

(C) Executive Director;

(D) Committee established by the member board for the profession charged with addressing application or licensing matters; and

(E) Full member board for the profession

(5) Once an application is complete, the applicant is either approved or denied to sit for any required examinations, or approved or denied licensure. Agency staff will send out a letter reflecting the agency's determination and instructions for the next steps needed, if any.

BHEC 882.2 General Application Requirements

(d) For purposes of calculating time periods related to experience requirements completed while holding a license, the Council shall consider the time period to begin at the issuance of the relevant license.

(e) The Council shall allow proration of licensure time requirements (e.g., supervision hours to experience hours) for applicants working less than full time, provided the full-time requirement ratio is maintained and no other licensure requirements are violated.

BHEC 882.21 License Statuses

(b) Inactive Status.

(1) A licensee with an unrestricted active or delinquent 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.

LMFT 801.44 Relationship with Clients

(s) A licensee may not knowingly offer or provide professional services to an individual concurrently receiving professional services from another mental health services provider except with that provider's knowledge. If a licensee learns of such concurrent professional services, the licensee must immediately request release from the client [~~take immediate and reasonable action~~] to inform the other mental health services provider and strive to establish a positive and collaborative professional relationship.

LMFT 801.142 Supervised Clinical Experience Requirements and Conditions

- (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. If an LMFT Associate is informed of a pending complaint against them, they must notify each of their supervisors of the complaint.
- (7) Within 30 days of initiating [~~the initiation of~~] supervision with any LMFT supervisor, 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 LMFT [~~council approved~~] supervisors at a time, unless given prior approval by the council or its designee.
- (9) Applicants with a master's degree that qualifies under [~~§~~]§801.112 and §801.113 of this title, may count any supervision and experience (e.g., practicum, internship, externship) completed after conferral of the master's degree and as part of a doctoral program, toward the supervision and experience requirements set out in §801.142. A doctoral program must lead to a degree that qualifies under [~~§~~]§801.112 and §801.113 of this title, before the Council will award credit for supervision and experience under this provision.
- (10) If an LMFT Associate receives a remediation plan, as described in §801.143(f)(4) of this title, the Associate must provide a copy of the remediation plan to any other current or future supervisors, as well as any relevant documentation regarding successful completion of the plan.

LMFT 801.143 Supervisor Requirements

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- (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. A supervisor may share a remediation plan developed for an LMFT Associate with any other current or future supervisors of that Associate.

LMFT 801.143 Supervisor Requirements

CONT

- (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 themselves as a supervisor in any manner.
- (i) A supervisor whose license status is other than "active" is no longer an approved supervisor. Supervised clinical experience hours accumulated under that person's supervision after the date their license status changed from "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, or who fails to maintain an active license, must:
- (1) inform each LMFT Associate of the loss of supervisor status; [~~council disciplinary order~~];
 - (2) refund all supervisory fees received after date of loss of supervisor status [~~the council disciplinary order was ratified to the LMFT Associate who paid the fees~~]; and
 - (3) assist each LMFT Associate in finding alternate supervision.

LPC 681.91 Associate License

- (a) The Council may issue an LPC Associate license to an applicant who has:
- (1) filed all application forms and paid all applicable fees;
 - (2) met all of the academic requirements for licensure;
 - (3) completed the required examinations with the requisite score as described in §681.72(a)(3) and (4) [~~(a)(4)~~] of this title; [~~(relating to Required Application Materials)~~]
 - (4) entered into a supervisory agreement with a Licensed Professional Counselor Supervisor (LPC-S); and
 - (5) ~~not completed~~ the supervised experience described in §681.92 of this title. [~~(relating to Experience Requirements (Internship)).~~]
- (b) An LPC Associate must comply with all provisions of the Act and Council rules.
- (c) A [~~To practice counseling in Texas, a~~] person must obtain an LPC Associate license before practicing counseling in Texas under supervision to gain hours toward the supervised experience required for an LPC license. [~~the person begins an internship or continues an internship.~~]
Hours obtained by an unlicensed person in any setting will not count toward the supervised experience requirements.

LPC 681.91 Associate License CONT



(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, but may own and operate a private practice while under supervision.

(e) Within 30 days of changing or adding supervisors, an LPC Associate must:

(1) submit to the Council a new Supervisory Agreement Form for that supervisor, and

(2) notify their current supervisor(s).

(f) [(e)] An LPC Associate may have no more than two (2) Council-approved LPC supervisors at any given time.

(g) [(f)] An LPC Associate must maintain their LPC Associate license during [~~his or her~~] supervised experience.

(h) [(g)] An LPC Associate license will expire 60 months from the date of issuance.

(i) [(h)] An LPC Associate who does not complete the required supervised experience hours during the 60-month time period must reapply for licensure to continue accruing supervised experience.

(j) [(i)] An LPC Associate must continue to be supervised after completion of the 3,000 hours of supervised experience and until the LPC Associate receives an [~~his or her~~] LPC license. Supervision is complete upon the LPC Associate receiving the LPC license.

LPC 681.91 Associate License CONT



(k) During supervised clinical experience, both the supervisor and the LPC Associate may have disciplinary actions taken against their licenses for violations of the Act, the Council Act, or council rules. If an LPC Associate is informed of a pending complaint against them, the LPC Associate must notify each supervisor of the complaint.

(l) [(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) [(k)] An LPC Associate must not employ a supervisor but may compensate the supervisor for time spent in supervision if the supervision is not a part of the supervisor's responsibilities as a paid employee of an agency, institution, clinic, or other business entity.

(n) If an LPC Associate receives a remediation plan, as described in §681.93(e) of this title, the Associate must provide a copy of the remediation plan to any other current or future supervisors, as well as any relevant documentation regarding successful completion of the plan.

(o) [(h)] All billing documents for services provided by an LPC Associate must reflect the LPC Associate holds an LPC Associate license and is under supervision.

(p) [(m)] The LPC Associate must not represent himself or herself 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, including websites and intake documents.

LPC 681.93 Supervisor Requirements



-
- (a) A supervisor must keep a written record of each supervisory session in the file for the LPC Associate.
- (1) The supervisory written record must contain:
- (A) a signed and dated copy of the Council's supervisory agreement form for ~~[each of]~~ the LPC Associate; ~~[Associate's supervisors];~~
 - (B) a copy of the LPC Associate's online license verification noting the dates of issuance and expiration;
 - (C) fees and record of payment;
 - (D) the date and duration of each supervisory session;
 - (E) a record of an LPC Associate's leave of one month or more, documenting the supervisor's approval and signed by both the LPC Associate and the supervisor;
 - (F) a record of any concerns the supervisor discussed with the LPC Associate, including a written remediation plan as prescribed in subsection (e) of this section; ~~[and]~~
 - (G) a record of acknowledgement that the supervisee is self-employed, if applicable; and ~~[-]~~
 - (H) a record of all locations at which the LPC Associate will practice.
- (2) The supervisor must provide a copy of all records to the LPC Associate upon request.
- (b) Both the LPC Associate ~~[LPC Associate]~~ and the ~~[supervising]~~ LPC supervisor ~~[LPC-S]~~ are fully responsible for the professional counseling activities of the LPC Associate ~~[LPC Associate]~~. The LPC supervisor ~~[LPC-S]~~ may be subject to disciplinary action for violations that relate only to the professional practice of counseling committed by the LPC Associate ~~[LPC Associate]~~ which the LPC supervisor ~~[LPC-S]~~ knew about or due to the oversight nature of the supervisory relationship should have known about.

PSY 465.2 Supervision

(11) A supervisor shall establish a plan for the custody and control of the records of supervision for each supervisee in the event of the supervisor's death or incapacity, or the termination of the supervisor's practice.

(12) Licensees receiving supervision who are informed of a pending complaint must notify their supervisors of the complaint.

(13) Supervisors who identify deficits in a supervisee's skills or competencies necessary for safe or entry-level independent practice must immediately develop and implement a written remediation plan to address those deficiencies. If the supervisee changes supervisors during the supervision period, the supervisee must provide the new supervisor with a copy of the remediation plan.

PSY 465.2 Supervision CONT

(d) Supervision of Licensed Specialists in School Psychology interns and other individuals authorized by §463.9(g)(1) of this title [~~(relating to Licensed Specialist in School Psychology)~~.] The following rules apply to all supervisory relationships involving Licensed Specialists in School Psychology, as well as all interns and other individuals authorized by §463.9(g)(1) of this title, working toward licensure as a specialist in school psychology.

(1) Supervision within the public schools may only be provided by a Licensed Specialist in School Psychology who has a minimum of 3 years of experience providing psychological services within the public school system without supervision. To qualify, a licensee must be able to show proof of their license, credential, or authority to provide unsupervised school psychological services in the jurisdiction where those services were provided, along with documentation from the public school(s) evidencing delivery of those services.

(2) Supervisors must sign educational documents completed for students by the supervisee, including student evaluation reports, or similar professional reports to consumers, other professionals, or other audiences. It is not a violation of this rule if supervisors do not sign documents completed by a committee reflecting the deliberations of an educational meeting for an individual student which the supervisee attended and participated in as part of the legal proceedings required by federal and state education laws, unless the supervisor also attended and participated in such meeting.

PSY 465.2 Supervision CONT

(3) Supervisors shall document all supervision sessions. This documentation must include information about the duration of sessions, as well as the focus of discussion or training. The documentation must also include information regarding:

(A) any contracts or service agreements between the public school district and university school psychology training program;

(B) any contracts or service agreements between the public school district and the supervisee;

~~[(C) the supervisee's professional liability insurance coverage, if any;]~~

(C) ~~[(D)]~~ any training logs required by the school psychology training program; and

(D) ~~[(E)]~~ the supervisee's licensure status or legal authority to provide psychological services.

PSY 465.34 Providing Mental Health Services to Those Served by Others

Licenses do not knowingly provide psychological services to clients receiving mental health services elsewhere without first discussing consequent treatment issues with the clients. If the client consents, a licensee shall inform the other professional and strive to establish a positive and collaborative professional relationship. [~~Licenses shall consult with the other service providers after appropriate consent has been obtained.~~]

2024 and 2025 NEW RULES

What information may the Council rely upon when verifying information from another jurisdiction?

Written verification received directly from the other jurisdiction, a government website reflecting the information (e.g., active licensure and good standing), or verbal or email verification directly from the other jurisdiction

What qualifies an LMFT applicant currently licensed in another jurisdiction as having already met the academic and experience requirements in their application?

- (1) 3,000 hours of work experience including at least 1,500 hours of direct clinical services;
- (2) 200 hours of supervision that includes at least 100 hours of individual supervision; and
- (3) has completed a master's or doctoral degree with a graduate internship.

What is the minimum acceptable score for the Jurisprudence Examination for all applicants?

85% (lowered from 90%)

Under what circumstances may the Council waive a deficiency in licensure application?

If the applicant can show good cause for the deficiency, they can prove that they have the necessary knowledge and skills for practice, and that the prerequisite is not mandated by federal law, the Texas Constitution, or state statute.

Under what circumstance will an inactive license not expire at the end of a renewal period?

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.

Under what circumstance is the Council not obligated to investigate a complaint?

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.

Who can request the executive director issue a subpoena in contested cases at the State Office of Administrative Hearings?

Either party can issue a written request for a subpoena if there is good cause.

May staff issue an LMFT Associate License to an applicant who has a deficiency in any requirements?

No! (the old rules said that in specific circumstances, it was possible)

For what length of time does a temporary license last for an LMFT?

It lasts for 30 days, unless the expiration of one year from the date of licensure occurs first.

For LMFT continuing education requirements, who is qualified to teach the course?

A graduate-level licensee holding supervisor.

Where is an LBSW allowed to practice social work?

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).

What is a new qualified source for the Council to verify information from another jurisdiction?

Official written, verbal, or email verification from the other jurisdiction or a government website reflecting the information.

When providing mental health services through telehealth service to a client who is located outside of this state, the licensee is under the regulations of which state?

Jurisdiction where the client is located

When providing mental health services through telehealth service to a client who is located outside of this state, the licensee is not under the regulations of which state?

Texas

What 5 categories cover what the term “client” means?

- 1) a recipient of marriage and family therapy, professional counseling, psychology, or social work services within the context of a professional relationship
- 2) an individual or entity requesting the services and the recipient of those services
- 3) an organization that receives services directed primarily to the organization, rather than to individuals associated with the organization
- 4) minors and wards in guardianships, and their legal guardians, and:
- 5) any related term for the recipient of services, such as a patient, evaluatee, examinee, interviewee, participant, etc.

What 4 things are required to update a degree on a license?

- 1) A complete application and transcript,
- 2) pay the required fee,
- 3) provide any other information or supportive documentation deemed relevant by the Council, and
- 4) submit an official transcript indicating the date the doctoral degree was awarded or conferred.

If chosen for an audit, what are licensees required to submit?

A self-query report from the National Practitioner Data Bank

What length of time is considered timely for a complaint?

5 years if not sexual misconduct and 7 years or the recipient of services reaching the age of majority for sexual misconduct

Regarding Executive Council fees, what may result from attempting to cancel or seek recovery of them?

Opening a complaint against the licensee or applicant

For LSWs, when does a passing score have to be received on the ASWB examination?

Prior to applying for licensure

What 8 things must be submitted when an applicant applies for an LPC Associate license?

1. the Council's application form;
2. all applicable fees;
3. official examination results from the National Board of Certified Counselors verifying a passing score on the National Counselor Exam (NCE) or National Clinical Mental Health Counselor Exam (NCMHCE)
4. completion certificate for the Texas jurisprudence exam dated no more than six months before the date the application was received;
5. an official graduate transcript(s);
6. a practicum/graduate intern documentation form;
7. a supervisory agreement form; and
8. The holder of a current license in good standing issued by another jurisdiction equivalent to the Texas LPC Associate license must submit official verification of his or her license, including official verification of any supervised experience recognized by the issuing jurisdiction. If supervised experience cannot be verified by the issuing jurisdiction, the Council may consider a supervised experience documentation form with verification of the supervisor's credentials.

What is considered to be an appropriate graduate degree for a Psychologist?

- A) the applicant holds a certificate of completion from a graduate-level training course designed to train individuals from related disciplines
- B) the applicant holds a graduate degree in a discipline related to psychology from a regionally accredited institution of higher education
- C) the applicant is licensed, certified, or registered in good standing to practice school psychology in another jurisdiction
- D) the applicant was licensed, certified, or registered to practice school psychology in another jurisdiction within the previous ten years before application for licensure

What is considered independent practice for an LMFT?

Providing marriage and family therapy services to a client without the supervision of an LMFT-S

How many of the LMFT Associate's direct experience hours can be by technology-assisted services?

750

What 6 items shall the LMFT Supervisor 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) an established plan for the custody and control of the records of supervision for each LMFT Associate, and
 - 6) any written remediation plan

When can a supervisor not collect a fee or anything of value from a supervisee?

When they have already been compensated for supervisory duties

What is the maximum number of CE hours that can be claimed for providing field or practicum instruction to a social work student?

10 hours per renewal period

CE Adopted Rules LSW and LMFT

30 hours CE

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

CE Adopted Rules LPC

24 hours CE

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

What Counts as Ethics?

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

What Counts as Distinct Population Study?

CE regarding defined as a group of people who share a common attribute, trait, or defining characteristic of the licensee's choice

What is an Acceptable CE?

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

What is a Self-Study CE?

Self-study is credit that is obtained from any type of activity that is performed by an individual licensee acting alone. Such activities include but are not limited to reading materials directly related to the practice of marriage and family therapy. Time spent individually viewing or listening to audio, video, digital, or print media as part of an organized continuing education activity, program, or offering from a third-party is not subject to this self-study limitation and may count as acceptable education under other parts of this rule.

Who Counts as the 50%?

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

Who Counts as the 50%?

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

BACK TO RULES

What is the definition of “patient”?

A person who consults or is interviewed by a professional for diagnosis, evaluation, or treatment of any mental or emotional condition or disorder

Before commencement of services to a minor client, what documentation should all licensees obtain and keep?

-
- 1) An appropriate consent form (signed by a person authorized to provide substitute consent on behalf of the minor or ward)
 - 2) If applicable, the relevant portions of any court order, divorce decree, power of attorney, or letters of guardianship authorizing the individual to provide substitute consent

When is a licensee not required to maintain a signed informed consent? ?

In the licensee's records created during the scope of employment by agencies or institutions that maintain client records but must document in writing the licensee informed the client of the information.

If records created during the scope of employment are not maintained by an employer, what must the licensee do?

Maintain the records

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

Successful completion

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

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

6 hours, which counts towards the minimum 24

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

6 hours and pass the jurisprudence exam

How many licensees are audited by BHEC each year?

5%

Who can teach a 40-hour supervisory course for LPC or SW?

A licensee who is already an LPC-S or Social Work supervisor respectively

Who can teach a 40-hour supervisory course for LMFT?

A graduate-level licensee holding supervisor status

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

2 years

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

A minimum of 24 months

Under what 2 conditions may the Council waive or modify a prerequisite for obtaining a SW license?

-
- 1) The prerequisite is not mandated by federal law, state constitution or statute, or 22 TAC Part 41; and
 - 2) The failure or inability to meet the prerequisite was due to a declared disaster

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

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

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

Licenseses who practice in traditional settings

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

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

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

Documentation of academic preparation and supervision or continuing education documents

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

2 hours

Telemental Health Resources

In-Depth Trainings

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

Refresher Trainings

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

Board Forms and Publications

LMFT Board Guidelines for Technology-Assisted Services

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

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

Guidelines for 50 states from 2021

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

Telemental and HIPAA Refresher Resources

Telemental Health, HIPAA, and PCI Standards 15 CE

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

Implementing HIPAA and Technology-Assisted Services 2.5 CE

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

Board Forms and Publications

LMFT Guidelines for Using Social Media

LPC Social Media Use & Electronic Communication Guidelines

SW Guidelines for Using Social Media

PSY Guidelines for Using Social Media

<https://www.bhec.texas.gov/wp-content/uploads/2022/04/MFT-Guidelines-for-Using-Social-Media-20220429.pdf>

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

https://www.bhec.texas.gov/wp-content/uploads/2022/10/SW-Guidelines-for-Using-Social-Media_20221007.pdf

https://www.bhec.texas.gov/wp-content/uploads/2021/08/TSBEP-Guidelines-Social-Media_2021August.pdf

Board Forms and Publications

LMFT Guidelines for Technology Assisted Services

LPC Social Media Use & Electronic Communication Guidelines

SW Guidelines for Electronic Practice

PSY Guidelines for the Practice of Telepsychology

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

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

https://www.bhec.texas.gov/wp-content/uploads/2022/10/SW-Guidelines-for-Electronic-Practice_20221007.pdf

<https://www.bhec.texas.gov/wp-content/uploads/2022/05/Guidelines-for-the-Practice-of-Telepsychology.pdf>

What do the NBCC guidelines say about accessing a client's social media accounts?

-
- 1) must receive client permission
 - 2) have a discussion with the client
 - 3) documentation of risks and benefits
 - 4) clinical purpose

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

HIPAA Compliance

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

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

Texas

When providing telehealth services, which state requirements are in effect?

The state where the client is residing
and the state where the counselor is
providing services

*Associations recommend documenting
state requirements in record*

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

Location and identity of the client

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

Identity of the licensee

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

Consent from a parent or guardian

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

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

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

Facilitate the transfer to appropriate care

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

Provide a written referral and facilitate the transfer to appropriate care

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

Facilitate the transfer to appropriate care by providing 3 sources of service

What shall a Psychologist do upon termination of a client if counseling is still necessary?

Take all reasonable steps to facilitate the transfer of responsibility for the client, which may include pre-termination counseling and referrals

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

Personally interview the individual

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

Therapeutic deception

An LPC, LMFT, and SW licensee shall not engage in sexual contact with what three types of people?

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

What 3 things may a Psychologist not engage in with a current or former client?

-
- 1) Sexual harassment,
 - 2) Sexual impropriety, and
 - 3) A sexual relationship

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

Sexual exploitation

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

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

An LPC, LMFT, or SW licensee may not use what three reasons as a defense for sexual contact, exploitation, or deception?

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

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

3 business days

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

30 days

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

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

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

Alleged victim

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

If the alleged victim wants to remain anonymous

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

-
- 1) reporter,
 - 2) the alleged victim (if not anonymous),
 - 3) suspicion of exploitation, contact, or therapeutic deception, and
 - 4) alleged perpetrator [psychologists are not required to include #4]

In what manner should all LPC, LMFT, and SW licensees not use alcohol or drugs?

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

What should a Psychologist do regarding any personal alcohol or substance abuse likely to impair competency?

Seek professional assistance

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

When the licensee is impaired

What kinds of information shall all licensees not disclose?

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

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

-
- 1) abuse or neglect of minors,
 - 2) abuse, neglect, or exploitation of elderly or disabled persons,
 - 3) abuse, neglect, and illegal, unprofessional, or unethical conduct in a healthcare facility [LPC, LMFT, and SW only], and
 - 4) sexual exploitation by mental health provider

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

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

NOTICE TO CLIENTS

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

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

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

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

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

What types of license certificates shall all licensees display?

The original or a copy from BHEC with the seal

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

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

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

30 days

What must follow the name and title of LPC, LMFT, or Licensed Psychological Associates on all advertisements, billing, and announcements of counseling treatment?

“Supervised by [supervisor’s name]” or a statement to a similar effect

What name shall appear on the license certificate?

Legal name of the licensee

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

^z False, misleading, deceptive, inaccurate, incomplete, out of context, or not readily verifiable information

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

LPC, Licensed Counselor, or Licensed Professional Counselor

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

LPC Associate

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

4 hours a month

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

LMFT, Licensed Therapist, and Licensed Marriage and Family Therapist

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

Licensed Marriage and Family Therapist Associate or LMFT Associate

How many hours of supervised experience does an LPA need to apply for full licensure?

3,500 hours

How many of an LPA's supervision hours need to take place during a formal internship?

1,750 hours

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

1 hour a week

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

200 hours

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

18 months

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

24 months

For an LPC or LMFT Associate, when does his or her license expire?

60 months

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

LPC-S or LMFT-S

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

100 hours

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

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

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

24 months

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

That the license is substantially equivalent

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

2 years

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

2 years

An SW licensee who has held his or her license for 1 year in another jurisdiction preceding the application will be deemed to have met what requirement for licensure?

Experience requirement

Under what circumstances may a Psychologist licensed outside of Texas apply for a licensure in Texas?

If the other jurisdiction shares a reciprocity agreement with Texas

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

Declared disaster

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

Upon receipt of the regular license

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

60 months/5 years

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

36 Months

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

2 years

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

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

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

Any and all employment setting changes

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

24 hours

How many hours of continuing education are required for an LMFT or SW every renewal period?

30 hours

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

6 hours

How many hours studying a distinct population for competency CE's are required for a LPC, LMFT, or SW each renewal period?

3 hours

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

6 hours

What license does not require additional certification to supervise Associates?

Licensed Psychologist

Final Housekeeping



Post-Test & Evaluation

Must be completed and returned to receive certificate.

(Post-test is optional for in person participants).



Training Certificates

Will be **emailed to you** **within a week** of receiving your completed documents.



CCFAM Newsletters

Sign up at the bottom of the homepage at:
Training.ccfam.com and
PlayTherapyTrainingResources.com

THANK YOU!

Any questions?

REFERENCES

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