TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS

MEMBERS OF THE BOARD

Steven Hallbauer, Board Chair
Christopher Taylor, LPC-S Board Vice-Chair
Dr. Lia Amuna, LPC
Dr. Loretta J. Bradley, LPC-S
Brenda S. Compagnone, LPC-S
Vanessa Hall
Garrett Nerren
Roy Smith
Janie Stubblefield, LPC-S

Cristina De Luna
Board Administrator

TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS
FULL BOARD MEETING AGENDA
Friday, September 9, 2022 9am

The September 9, 2022 meeting of the Texas State Board of Examiners of Professional Counselors will be held both in-person and by videoconference call, as authorized under Texas Government Code section 551.127. One or more Board members may appear at the scheduled meeting via videoconference call, but the presiding member will be physically present at George H.W. Bush State Office Bldg. 1801 Congress Ave., Ste. 7.301 Austin, Texas 78701. The conference room where the presiding member is located will be open to the public, but seating is limited to first come, first served. Due to the size of the available meeting room, public seating will be limited to three (3) individuals.

In lieu of attending in person, members of the public are encouraged to access and participate virtually in this meeting by entering the URL address https://us02web.zoom.us/j/82014225248 into their web browser. Telephone access numbers and additional videoconference call access information can be found in the attached addendum. An electronic copy of the agenda and meeting materials will be made available at www.bhec.texas.gov prior to the meeting. A recording of the meeting will be made available on the Council's YouTube channel after the meeting is adjourned. To obtain a copy of the recording, please contact the Council's public information officer at Open.Records@bhec.texas.gov.

For members of the public wishing to give public comment, once the public comment item is reached on the agenda after the meeting convenes, the presiding member will allow those who are attending in person to give public comment first and then ask those joining by computer to use the "raise hand" feature to indicate who would like to make a public comment. Those individuals who raise their hand will then be unmuted to give public comment. Once all of the individuals with raised hands have been given an opportunity to make public comment, the individuals appearing by telephone will be unmuted and asked whether they would like to make a public comment. Please note that public comment is not intended for a discussion or a question-and-answer session with the Board. Additionally, when making a public comment, please identify yourself and whether you are speaking individually or on behalf of an organization. All public comments will be limited to 3 minutes, unless otherwise directed by the presiding officer. In lieu of providing public comment during the meeting, you may submit written public comments by email through our Contact Us webpage in advance of the meeting. To submit an email simply click on the "Email Us" link on that page and select "Submission of Public Comment for Proposed Rule(s) or Open Meeting" from the drop-down menu. Please use the subject line "Public Comment for (enter date of meeting here) Meeting" to ensure your comments are identified as such and directed accordingly. Only those written public comments received by 5pm on the last business day prior to the meeting will be submitted to the council members for their consideration. No written comments received will be read aloud during the meeting.

Please note that the Board may request input during the meeting from any interested parties or members of the public during its discussion of an agenda item.

If you are planning to attend this meeting and need auxiliary aids, services or materials in an alternate format, please contact the Council at least 5 working days before the meeting date. Phone: (512) 305-7700, TTY/RELAY TEXAS: 711 or 1-800-RELAY TX.

The Board may go into Executive Session to deliberate any item listed on this agenda if authorized under Texas Open Meetings Act, Government Code, Ch. 551.

The Board may discuss and take action concerning any matter on the agenda and in a different order from what it appears herein.

Texas State Board of Examiners of Professional Counselors Full Board Agenda
for September 9, 2022, at 9:00 a.m.

(Steven Hallbauer-Chair, Lia Amuna, Loretta Bradley, Brenda Compagnone, Vanessa Hall, Garrett Nerren, Roy Smith, Janie Stubblefield, Christopher Taylor)

1. Call to Order.
2. Roll Call and Certification of Quorum
3. Discussion and possible action concerning approval of minutes from the May 6, 2022 Board meeting.
4. Recognition of Board and LPC response efforts following the May 24 shooting in Uvalde.
5. Board review and possible action regarding Application Review or Denial.
    A. Mario Kirk
    B. Janet Garcia
6. Discussion and possible action regarding orders to be executed by Board Chair.
7. Report of orders from FY 2022 - Q3 executed by Council's Executive Director.
8. Reports Review:
    A. FY 2022 - Q3 Performance Measure Report
    B. FY 2022 - Q3 Enforcement Status Report
    C. FY 2022 - Q3 Complaint Dismissal Report
9. Discussion and possible action related to State Office of Administrative Hearings (SOAH) Proposals for Decision (PFD) and Default Dismissal Orders, and possible orders to be recommended or ratified by the Board.
10. Rulemaking – For Informational Purposes, No Action is Needed for the Following Items - Texas State Board of Examiners of Professional Counselors:
    A. Proposed in Tex Reg: December 10, 2021. Adoption approved by Board on February 11, 2022. BHEC adopted at meeting: May 18, 2022. Effective Tex Reg June 26, 2022.
        i. 681.6 – Minutes
        ii. 681.205 –Schedule of Sanctions

11. Rulemaking – Consideration and possible action on the following proposed rule changes.
    i. New 681.140
    ii. Repeal of 681.141, 681.142, 681.143, and 681.145; and
    iii. Amended 681.147

12. Counseling Compact Resolution and discussion on Board's position.

13. Discussion and possible action concerning Committee Reports.

    A. Counseling Compact Committee
    B. Professional Development Committee

14. Board Chair Report and update concerning current challenges and accomplishments; interaction with stakeholders, state officials, and staff; workload of Board members; and general information regarding the routine functioning of the Board, including BHEC updates.

15. Board Administrator Report concerning program operations; customer service accomplishments and challenges; workload processing; general information regarding the routine functioning of the licensure program; and enforcement compliance.

16. Public Comments – Public Comment is limited to three (3) minutes per person, unless otherwise directed by the presiding officer. Please note that the Board may not discuss or act on any matter raised during public comment, except to decide whether to place the matter on the agenda of a future meeting.

17. Items for consideration for future committee and Board meeting agendas.

18. Announcements and comments not requiring Board action, such as statements regarding conferences, future board meetings, and other recent or upcoming events.

    TSBEPC Insights Over the Lunch Hour – September 29th
    BHEC Meeting – October 25th
    TSBEPC Full Board Mtg – November 4th
    TCA Conference – November 9th – 11th

19. Adjournment

Addendum: Additional Videoconference and Telephone Conference Call Information

When: Sep 9, 2022 09:00 AM Central Time (US and Canada)

Topic: Texas State Board of Examiners of Professional Counselors September 9, 2022 Full Board Meeting

Please click the link below to join the webinar: https://us02web.zoom.us/j/82014225248
Webinar ID: 820 1422 5248

Or One tap mobile: US: +13462487799,,82014225248# or +12532158782,,82014225248#
Or Telephone: Dial (for higher quality, dial a number based on your current location): US: +1 346 248 7799 or +1 253 215 8782 or +1 669 444 9171 or +1 669 900 9128 or +1 719 359 4580 or +1 386 347 5053 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 301 715 8592 or +1 309 205 3325 or +1 312 626 6799

International numbers available: https://us02web.zoom.us/u/ksgtqSVmS

TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS

MEMBERS OF THE BOARD

Steven Hallbauer, Board Chair
Christopher Taylor, LPC-S Board Vice-Chair
Dr. Lia Amuna, LPC
Dr. Loretta J. Bradley, LPC-S
Brenda S. Compagnone, LPC-S
Vanessa Hall
Garrett Nerren
Roy Smith
Janie Stubblefield, LPC-S

Cristina De Luna
Board Administrator

MEETING MINUTES
May 6, 2022

The Texas State Board of Examiners of Professional Counselors Meeting met via Zoom video conference on May 6, 2022. The following Board members were in attendance: Steven Hallbauer-Chair, Dr. Christopher Taylor-Vice Chair, Dr. Lia Amuna, Dr. Loretta Bradley, Brenda Compagnone, Vanessa Hall, Roy Smith, and Janie Stubblefield. Also, in attendance was Cristina De Luna, Board Administrator of the LPC Board.

The following Board members had an approved absence from the May 6, 2022 meeting: Garrett Nerren.

Friday, May 6, 2022

1.The meeting was called to order at 9:09 a.m. by Chair Steven Hallbauer.

2.The Board moved into Item II, Introduction of members and staff.

3.The Board moved into Item III, Meeting Minutes.

A MOTION WAS MADE BY DR. LORETTA BRADLEY AND SECONDED BY JANIE STUBBLEFIELD TO APPROVE THE MINUTES OF THE FEBRUARY 11, 2022, BOARD MEETING AS SUBMITTED. THE VOTE WAS APPROVED UNANIMOUSLY.

4. The Board moved into Item IV, Discussion and possible action 681.2 and 681.83 related to the definition of counseling degrees, counseling-related degrees, and the academic course content required for such degrees.

A MOTION WAS MADE DENY THE PETITION DUE TO MOOTNESS OF THE DISCUSSION. THE MOTION WAS MADE BY JANIE STUBBLEFIELD AND SECONDED BY DR. CHRISTOPHER TAYLOR. THE BOARD HAS DIRECTED STAFF TO APPLY THE RULES AS WRITTEN. THE VOTE WAS APPROVED UNANIMOUSLY.

5.The Board moved into Item V, Board review and possible action regarding Application Review or Denial(s).

A. NO MOTION NECESSARY IN REGARD TO SAMANTA GRIMALDI ROSSI'S APPLICATION FOR LPC-ASSOCIATE LICENSURE. STAFF HAVE BEEN DIRECTED TO PROVIDE CLARIFICATION ON DEFICIENT REQUIREMENTS AND NECESSARY STEPS TO QUALIFY.

B. NO MOTION NECESSARY IN REGARD TO VIVKIE BING'S APPLICATION FILE AS STAFF WILL APPLY RULES AS WRITTEN.

C. NO MOTION NECESSARY IN REGARD TO KRISTEN CROW'S APPLICATION FILE AS STAFF WILL APPLY RULES AS WRITTEN.

D. NO MOTION NECESSARY IN REGARD TO ALEX PENROD'S APPLICATION FILE AS STAFF WILL APPLY RULES AS WRITTEN.

6. The Board moved into Item VI, Discussion and possible action, regarding orders to be executed by the Board Chair.

A MOTION WAS MADE BY ROY SMITH AND SECONDED BY DR. CHRISTOPHER TAYLOR TO ACCEPT PROPOSED AGREED ORDER FOR CASE 2022-00255. THE MOTION WAS APPROVED UNANIMOUSLY.

7. The Board moved into Item VII, Discussion and possible action, regarding reports of orders from Q2 executed by Council's Executive Director.

NO ACTION TAKEN.

8. The Board moved into Item XIII, Updated reports regarding Q2 Performance Measures, Q2 Enforcement Status Report, and Q2 Complaints Dismissal Report.

NO MOTION NEEDED.

9. The Board moved into Item IX, Discussion and possible action related to State Office of Administrative Hearings (SOAH) Proposals for Decision (PFD) and possible orders to be recommended or ratified by the Board.

NO ACTION NEEDED

10. The Board moved into Item X, Rulemaking – Texas State Board of Examiners of Professional Counselors:

Ai. NO MOTION NECESSARY TO PROPOSED RULE 681.6.

Aii. NO MOTION NECESSARY TO PROPOSED RULE 681.205.

Bi. NO MOTION NECESSARY TO PROPOSED RULE 681.140.

Bii. NO MOTION NECESSARY TO PROPOSED RULE 681.141.

Biii. NO MOTION NECESSARY TO PROPOSED RULE 681.142.

Biv. NO MOTION NECESSARY TO PROPOSED RULE 681.143.

Bv. NO MOTION NECESSARY TO PROPOSED RULE 681.145.

Bvi. NO MOTION NECESSARY TO PROPOSED RULE 681.147.

11. The board moved into Item XI, Discussion and possible action concerning Committee Reports:

A. Rules Committee – Meet on April 28th and discussed interpretation of board rules related to counseling and counseling-related degrees. The Committee also discussed supervisor requirements which are being reviewed by the Standardization Committee.

B. Applications Committee – Meet April 4th to discuss proposed changes related to NBCC online proctored exams. The Committee supports the change and agrees to allow applicants to test online.

C. Counseling Compact Committee – Meet April 12th and discussed the Board's continued support of the Counseling Compact. On April 21st the 10th state joined the Compact to form the National Counseling Compact Commission. Texas remains hopeful to become part of the Counseling Compact in the future.

12. The Board moved into Item XII, Board Chair Report and update concerning current challenges and accomplishments; interaction with stakeholders, state officials, and staff; workload of Board members; and general information regarding the routine functioning of the Board and BHEC.

Chair Steven Hallbauer reminded everyone of the first Board Member led Lunch Hour Webinar scheduled for Thursday, May 12th. Public Member, Vanessa Hall and Professional Member, Dr. Christopher Taylor noted the Lunch Hour Meeting will help educate and identify scams that LPC's need to be aware of. BHEC's next meeting is scheduled for the 18th. BHEC Standardization Committee continues to work on Continuing Education discussions.

13. The Board moved into Item XIV, Board Administrator's Report concerning program operations; customer service accomplishments and challenges; workload processing; and general information regarding the routine functioning of the licensure program and enforcement compliance.

Board Administrator providing update – Application timeframes can be found on our website; if applied prior to the date listed the applicant should look at their emails as staff will send a deficiency for any items missing. The applicant should submit documents using the Contact Us Form on the board's website. Fingerprints are still a top deficiency for initial applications; the auto-generated email the applicant receives after completing their online application will provide steps to complete the necessary process. Staff request that all licensees ensure their email address and phone number on file with the board are up to date.

Dr. Christopher Taylor would like to request future discussion on necessary steps for erroneously issues licenses. This will be referred to the BHEC for discussion.

14. The Board moved into Item XIV, Public comments – Public comment is limited to three (3) minutes per person, unless otherwise directed by the presiding officer. Please note that the Council may not discuss or act on any matter raised during public comment, except to decide whether to place the matter on the agenda of a future meeting.

- Ahou Line requests the Board to consider supervision status be lowered for doctorate level licensees.
- Dr. Katherine Bacon with the Texas Counseling Association. TCA does not have position of proposed rules 681.2 and 681.83. TCA hopes stakeholders will be able to participate in Committee meetings and be a resource.
- Rhonda Kimball upgraded to LPC in 24 hours and appreciates staff!
- Dr. Jason Martin would like the board to consider extending the 60-month LPC-Associate license.
- Angela Bulls with the Texas Counseling Association. TCA does not have position of proposed rules 681.2 and 681.83. TCA hopes stakeholders will be able to participate in Committee meetings and be a resource.
- Jodie Jarett would like the Board to consider military experience toward licensure.

- Mario De La Garza with Texas Association for Counselor Education and Supervision. Appreciates that the board continues to discuss the counseling and counseling related degrees and ensure that practitioners have the competence to practice. TACES feels based on the discussion today that some licensees may not meet the board academic requirements in rule even if the program may be accredited. Each transcript should be reviewed to determine if academics outlined in rule are met. TACES thinks that just having the title Counseling in the title of a degree does not mean that they meet the academics in board rule.
- Felicia Burdon expresses concerns about the current process for extending or continuing an LPC-Associate license is confusing and not clear.
- Sandra Martin with Christian Counselors of Texas. Appreciates the board recognizes ALL accrediting bodies in Texas.
- Dr. Katherine Ybanez-Llorente with Texas State University and LPC-Supervisor appreciates the academic review of the board. Understands of non-review of transcripts is based on the assumption that the university counseling programs are meeting academic requirements and universities would not change the delivery of the outlined program or offer courses in a different format or eliminate courses that are listed. The accreditation means that the program meets national standards but does not mean that CACREP has assured the programs academics meet state licensure requirements. Universities should maintain national standards and kept up with board changes to academics and make necessary changes to curriculum accordingly. Appreciates the boards willingness to explore this further.
- Olivia Weddle serves as president of TMHCA happy that board continues to support and work on the Counseling Compact. Members have shown mush appreciation for the Lunch Hour Meetings.

16. The Board moved to Item XVI, Items for consideration for future committee and Board meeting agendas.

None

17. The Board moved into Item XVII, Announcements and comments not requiring Board action, such as statements regarding conferences, future board meetings, and other recent or upcoming events.

BHEC Meeting – May 18th
NBCC Conference – August 3rd – 5th
BHEC Meeting – August 23rd
TSBEPC Full Board Mtg – September 9th
BHEC Meeting – October 25th
TSBEPC Full Board Mtg – November 4th
TCA Conference – November 9th – 11th

18. Adjournment

A MOTION WAS MADE BY DR. LIA AMUNA AND SECONDED BY DR. LORETTA BRADLEY TO ADJOURN THE MEETING. THE MOTION WAS APPROVED UNANIMOUSLY.

9/9/2022

Chair Steven Hallbauer

COMPLAINT NO. 2022-00065

IN THE MATTER OF	§	**BEFORE THE TEXAS BEHAVIORAL**
	§	**HEALTH EXECUTIVE COUNCIL**
	§	
	§	**THE TEXAS STATE BOARD**
	§	**OF EXAMINERS OF**
JOSHUA BROWN	§	**PROFESSIONAL COUNSELORS**

AGREED ORDER

Pursuant to the authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of the Council, which have been approved and accepted by **JOSHUA BROWN** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a Professional Counselor (#18345) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.

2. Respondent had an inappropriate and intimate relationship with the parent of a client.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.

2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 507.301, and 507.351 of the Texas Occupations Code.

3. Based on the above Findings of Fact, the Council finds that Respondent violated Council Rules 22 TAC §681.41 and §681.42.

4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

7. Respondent, by signing this Agreed Order, hereby voluntarily and permanently **RESIGNS** his or her license (#18345) in lieu of further adjudication by the Council on these matters.

8. Respondent shall return his or her license to the Council no later than fourteen (14) days after the date this order is ratified.

9. The Council will not consider an application for licensure from Respondent and Respondent agrees not to apply for any new license from the Council for ten (10) years from the effective date of this Order.

10. If Respondent seeks to apply for a license with the Council in the future, and the Council is willing to reinstate the license, Respondent will be subject to conditions of eligibility to be imposed by the Council at that time.

WARNING

RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.

THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:

Joshua Brown
1103 E. Red Cedar Circle
The Woodlands, TX 77380

DATE SIGNED: 05/18/2022

FOR THE STAFF OF THE COUNCIL:

Victoria Benitez
Texas Bar No. 02134350
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 5/18/2022

APPROVED, RATIFIED, AND ENTERED THIS 19th DAY OF May, 2022.

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 2021-00064-83375

IN THE MATTER OF	§	**BEFORE THE TEXAS BEHAVIORAL**
	§	**HEALTH EXECUTIVE COUNCIL**
	§	
	§	**THE TEXAS STATE BOARD**
	§	**OF EXAMINERS OF**
SHANNON CANTU	§	**PROFESSIONAL COUNSELORS**

AGREED ORDER

Pursuant to the authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of the Council, which have been approved and accepted by **SHANNON CANTU** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as an LPC-Associate (#83375) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.

2. Respondent failed to report suspected abuse of a minor child.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.

2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 507.301, and 507.351 of the Texas Occupations Code.

3. Based on the above Findings of Fact, the Council finds that Respondent violated 22 Tex. Admin. Code § 681.45(d)(1).

4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent's license is hereby REPRIMANDED.

2. Respondent is assessed and shall pay, within sixty (60) days of the date this order is ratified, an administrative penalty in the total amount of $1,000.00; of which $800.00 represents administrative costs and $200.00 represents administrative penalty.

3. Respondent, within sixty (60) days of the date this order is ratified, shall complete and submit proof of completion of nine (9) hours of professional development relating to identifying and reporting abuse. This professional development is in addition to the professional development hours required for license renewal. Respondent will pay all costs of the coursework.

WARNING

RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.

THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:

MS, LPC-associate

Shannon Cantu
LPC Associate
No. 83375

DATE SIGNED: 4/29/2022

FOR THE STAFF OF THE COUNCIL:

Kenneth Long
Texas Bar No. 24078877
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 5/2/2022

APPROVED, RATIFIED, AND ENTERED THIS 3rd DAY OF May, 2022.

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

MEMBERS OF THE COUNCIL

Gloria Z. Canseco, M.A., Chair

John K. Bielamowicz
Brian C. Brumley, M.S.S.W.
Susan Fletcher, Ph.D.
George Francis, IV, M.B.A.
Steven Hallbauer
Ben Morris, M.Ed.
Jeanene L. Smith, M.A.
Christopher S. Taylor, Ph.D.

Darrel D. Spinks
Executive Director

May 18, 2022

Via Regular Mail and Email

Peggy Brewer-Dowling
606 Augusta Ave., Apt. 2
Austin, TX 78703

Re: Complaint No. 2021-00180
In the Matter of PEGGY BREWER-DOWLING

Dear Peggy Brewer-Dowling:

Enclosed, you will find a copy of the agreed order entered in the above-referenced matter. The Texas Behavioral Health Executive Council ratified this order on May 18, 2022.

The Executive Council's Compliance Division will monitor compliance with the order. Please direct future correspondence and questions to Josephine Duenas at josephine.duenas@bhec.texas.gov.

Thank you for your cooperation with the Executive Council.

Sincerely,

/s/
Kenneth Long
Staff Attorney

COMPLAINT NO. 2021-00180

IN THE MATTER OF	§	BEFORE THE TEXAS BEHAVIORAL
	§	HEALTH EXECUTIVE COUNCIL
	§	
	§	THE TEXAS STATE BOARD
	§	OF EXAMINERS OF
PEGGY BREWER-DOWLING	§	PROFESSIONAL COUNSELORS

AGREED ORDER

Pursuant to the authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of the Council, which have been approved and accepted by **PEGGY BREWER-DOWLING** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a professional counselor (#76787) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.

2. Upon terminating counseling, Respondent failed to take reasonable steps to facilitate the transfer to appropriate care for a client.

3. Upon terminating counseling, Respondent failed to notify a client of the termination, resulting in emotional harm to the client.

4. Respondent failed to update her address, email, and phone number in the Council's online licensing system within thirty (30) days of a change.

5. Respondent failed to respond to repeated communications from the Council regarding the above allegations.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.

2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 507.301, and 507.351 of the Texas Occupations Code.

3. Based on the above Findings of Fact, the Council finds that Respondent violated 22 Tex. Admin. Code §§ 681.41(p), 681.41(x), 882.32(a), and 884.30.

4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is

not admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent's license is SUSPENDED for a period of six (6) months from the effective date of this order. However, the six (6) months of suspension shall be PROBATED, so long as Respondent complies with all state and federal statutes and regulations pertaining to the practice of professional counseling. Although the probated suspension ordered herein will result in Respondent's license being restricted, Respondent shall take all steps necessary to renew and maintain Respondent's license while this order is in effect. Respondent's license shall remain on restricted status until all terms of this order have been satisfactorily completed.

2. Respondent shall be required to participate in therapy for no less than six months from the date this order is ratified. Respondent shall, within fourteen (14) days of the date this order is ratified, submit to the Council, or its designee, for approval the name and qualifications of a licensed professional counselor who has agreed to provide Respondent therapy. The therapist shall (1) be a Texas-licensed professional counselor with no record of disciplinary actions; and (2) have no business, professional, personal, or other relationship with Respondent that would interfere with the therapist's function or duties. Once approved, the therapist shall submit to the Council, or its designee, a treatment plan by which the therapist plans to assess and treat the Respondent; the therapist may make modification to the treatment plan at the therapist's discretion, and any medications shall be reported to the Council, or its designee, in writing. Respondent must attend therapy at a frequency to be determined by Respondent's therapist.

   It shall be Respondent's responsibility to assure the therapist submits written reports to the Council, or its designee, on a quarterly basis verifying that therapy has taken place, providing a general opinion and evaluation of the Respondent, and providing an opinion regarding the Respondent's ability to provide professional counseling services in safe and competent manner as well as any recommendations to enhance or maintain Respondent's fitness to practice professional counseling.

   In the event Respondent's therapist indicates that Respondent is fit to practice professional counseling, but makes recommendations concerning reasonable steps Respondent must or should take to enhance or maintain Respondent's fitness to practice professional counseling, Respondent shall comply with any and all recommendations made by Respondent's therapist. If Respondent refuses or fails to follow the recommendations, Respondent agrees that Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review; pending further review of Respondent by the Council, or its designee.

   If the therapist concludes there is sufficient concern or need to impose further requirements, restrictions, and/or take other appropriate actions to ensure the safety of the public the Council, or its designee, may do so at its own discretion. In the event Respondent refuses or fails to follow the additional requirements or restrictions imposed by the Council, or its designee, Respondent agrees that Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review; pending further review of Respondent by the Council, or its designee.

   After six months of therapy, and only if the Respondent's therapist recommends doing so in writing, Respondent may submit a written request to the Council, or it designee, to end this required therapy; and the Council, or its designee, may grant or deny this request at its own discretion. Six months of therapy shall be six calendar months from the date

Respondent has the first therapy session and continued for the minimum required frequency of therapy sessions, to be determined by Respondent's therapist. If the therapist cannot continue providing therapy, Respondent shall get approval from the Council, or its designee, for a new therapist. If Respondent does not have any therapy for a period of more than thirty (30) days Respondent's license shall be SUSPENDED until therapy resumes and the therapist submits a report attesting to Respondent's fitness to provide professional counseling services in safe and competent manner. During any period of non-practice or non-therapy, the therapy time period shall be tolled and any period of non-practice or non-therapy shall not apply to the reduction of this time period. Respondent shall pay all costs associated with this therapy requirement.

3. Respondent shall be required to practice under the supervision of a practice monitor for a period of six (6) months from the date this order is ratified. Respondent shall, within fourteen (14) days of the date this order is ratified, submit to the Council or its designee for approval the name and qualifications of a licensed professional counselor who has agreed to serve as a practice monitor. The practice monitor shall (1) be a Texas-licensed professional counselor – supervisor, with no record of disciplinary actions; (2) have no business, professional, personal, or other relationship with Respondent that would interfere with the practice monitor's function or duties; and (3) possess specialized knowledge, education and experience in the same field of practice as that of Respondent.

Once approved, the practice monitor shall submit to the Council or its designee a monitoring contract and plan by which Respondent's practice shall be monitored for compliance with ethical and legal practice standards, as well as the terms of this Order. Monitoring shall consist of at least one (1) hour of individual face-to-face meetings every week. The Respondent shall provide the practice monitor with a copy of this Order and access to Respondent's records. Respondent shall execute a release authorizing the practice monitor to divulge any information the Council or its designee may request.

It shall be Respondent's responsibility to assure the practice monitor submits written reports to the Council or its designee on a quarterly basis verifying that monitoring has taken place and providing an evaluation of Respondent's performance. At the Council's discretion, if any of these reports provides sufficient concern, the Council may impose further monitoring requirements and/or take other appropriate actions to ensure the safety of the public.

In the event Respondent's monitor indicates that Respondent is fit to practice professional counseling, but makes recommendations concerning reasonable steps Respondent must or should take to enhance or maintain Respondent's fitness to practice professional counseling, Respondent shall comply with any and all recommendations made by Respondent's monitor. If Respondent refuses or fails to follow the recommendations, Respondent agrees that Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review; pending further review of Respondent by the Council, or its designee.

If the monitor concludes there is sufficient concern or need to impose further requirements, restrictions, and/or take other appropriate actions to ensure the safety of the public the Council, or its designee, may do so at its own discretion. In the event Respondent refuses or fails to follow the additional requirements or restrictions imposed by the Council, or its designee, Respondent agrees that Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review; pending further review of Respondent by the Council, or its designee.

If the practice monitor cannot continue the monitoring engagement, Respondent shall get approval from the Council or its designee for a new practice monitor. If no new practice monitor is approved, Respondent shall not practice until a new practice monitor has been approved. If Respondent does not have at least one (1) hour of individual face-to-face supervision every week Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review, until supervision resumes and the practice monitor submits a report attesting to Respondent's fitness to provide professional counseling services in safe and competent manner. During

any period of suspension, non-practice, or non-supervision by a practice monitor, the six (6) month practice monitoring time period shall be tolled and shall not apply to the reduction of this required six (6) month practice monitoring time period. Respondent shall pay all costs associated with this practice monitoring requirement. RESPONDENT AGREES THAT ANY FAILURE TO COMPLY WITH THE PRACTICE MONITORING REQUIREMENTS, OR ANY OTHER TERM IN THIS ORDER, SHALL CONSTITUTE IMMEDIATE GROUNDS FOR REVOCATION OF RESPONDENT'S LICENSE.

WARNING

RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.

THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT. AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL. OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:

Peggy Brewer Dowling
Licensed Professional Counselor
License Number 76787

DATE SIGNED: May 12, 2022

FOR THE STAFF OF THE COUNCIL:

Kenneth Long
Texas Bar No. 24078877
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 5/17/2022

APPROVED, RATIFIED, AND ENTERED THIS 18th DAY OF May, 2022

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 2021-00168

IN THE MATTER OF	§	BEFORE THE TEXAS BEHAVIORAL
	§	HEALTH EXECUTIVE COUNCIL
	§	
	§	THE TEXAS STATE BOARD
	§	OF EXAMINERS OF
THERESA ANN FUSARO	§	PROFESSIONAL COUNSELORS

AGREED ORDER

Pursuant to the authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of the Council, which have been approved and accepted by **THERESA ANN FUSARO** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a Professional Counselor (#130140) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.

2. Respondent testified in court regarding possession and access to a child without conducting a child custody evaluation.

3. Respondent did not complete Board requirements for qualification for conducting child custody evaluations.

4. Respondent failed to obtain court orders regarding the child and failed to obtain the permission of both parents to treat the child.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.

2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 507.301, and 507.351 of the Texas Occupations Code.

3. Based on the above Findings of Fact, the Council finds that Respondent violated Council Rules 22 TAC §681.41(v), 22 TAC §681.53(g), and TFC 104.008(a).

4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but agrees to resolve this matter to avoid the expense and uncertainty of further proceedings

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent's license is SUSPENDED for a period of one (1) year from the effective date of this order. However, the one (1) year of suspension shall be PROBATED, so long as Respondent complies with all state and federal statutes and regulations pertaining to the practice of Professional Counseling. Although the probated suspension ordered herein will result in Respondent's license being restricted, Respondent shall take all steps necessary to renew and maintain Respondent's license while this order is in effect. Respondent's license shall remain on restricted status until all terms of this order have been satisfactorily completed.

2. Respondent is assessed and shall pay, within thirty (30) days of the date this order is ratified, an administrative penalty in the total amount of $1,000.00; of which $750.00 represents administrative costs and $250.00 represents administrative penalty.

3. Respondent, within thirty (30) days of the date this order is ratified, shall complete and submit proof of completion of six (6) hours of professional development relating to professional ethics or evaluations, or any combination thereof. This professional development is in addition to the professional development hours required for license renewal. Respondent will pay all costs of the coursework.

4. Pursuant to Rule §681.93(h) Respondent's status as a supervisor is hereby revoked. Once the terms of this order have been completed Respondent may then reapply for supervisor status. Respondent must meet all applicable licensure rules and requirements at the time of reapplication for supervisor status, the fact that Respondent previously held supervisor status does not guarantee Respondent's future application will be approved.

WARNING

RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.

THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:

Theresa Ann Fusaro
License 13014
8 Southwood Forest
Huntsville, Texas 77340

DATE SIGNED: 4-22-22

FOR THE STAFF OF THE COUNCIL:

Victoria Benitez
Texas Bar No. 02134350
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 5-2-22

APPROVED, RATIFIED, AND ENTERED THIS 28th DAY OF April, 2022.

Darrel Spinks, Executive Director
Texas Behavioral Health Executive Council

TBHEC COMPLAINT NO. 2022-00204

IN THE MATTER OF	§	**BEFORE THE TEXAS BEHAVIORAL**
	§	**HEALTH EXECUTIVE COUNCIL**
	§	
	§	**THE TEXAS STATE BOARD**
	§	**OF EXAMINERS OF**
LISETTE DOMITEAUX	§	**PROFESSIONAL COUNSELORS**

AGREED ORDER FOR ELIGIBILITY

Pursuant to the authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of the Council, which have been approved and accepted by **Lisette Domiteaux** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is seeking reinstatement of her license as a professional counselor in the State of Texas and is, therefore, subject to the jurisdiction of the Council under the Act.

2. Respondent failed to timely renew her license which expired on March 31, 2020.

3. Respondent continued to practice professional counseling from the time of her license expiration until on or about January 10, 2022. Respondent submitted an application for reinstatement on January 21, 2022.

CONCLUSIONS OF LAW

1. Respondent voluntarily submitted an application to the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the rules of the Counsel, 22 TAC Parts 30 and 41.

2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§507.301, and 507.351 of the Texas Occupations Code.

3. Based on the above Findings of Fact, the Council finds that Respondent violated Council

Rules 22 TAC 882.21(c) License Statuses, 882.23(a) License Required to Practice, and Tx Occupation Code 503.301, License Required.

4. Pursuant to Tex. Occupations Act, Sec. 507.351, the Executive Council may impose an administrative penalty on a person licensed or regulated by the Council.

5. Pursuant to Tex. Occupations Act, Sec. 507.352(a), the amount of an administrative penalty may not exceed $5,000 for each violation. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent is hereby REPRIMANDED.

2. Based upon the foregoing, it is ORDERED that Respondent shall pay an administrative penalty of $2000.00 (two thousand dollars) for the failure to maintain her license as required, of which $1,500 represents administrative costs and $500 represents administrative penalty.

3. Upon receipt of this payment and signed agreement, Respondent's current application for reinstatement of her license as a professional counselor shall proceed with processing, in accordance with 22 TAC 882.22, at the Texas Behavioral Health Executive Council.

WAIVERS

On the underlying licensing/professional/investigative file, Respondent has waived his or her right to an informal settlement conference before a Disciplinary Review Panel of the Council, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Tex. Gov't Code Ann., Ch. 2001, in exchange for the conditions set out in this Agreed Order.

THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:

Lisette Domiteaux
5925 Forest Ln, Suite 202
Dallas, Texas 75230

DATE SIGNED: 01. March 2022

FOR THE STAFF OF THE COUNCIL:

Victoria Benitez
Texas Bar No. 0234350
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 3-2-22

APPROVED, RATIFIED, AND ENTERED THIS 2nd DAY OF March, 2022.

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NOS. 2021-00401, 2021-00402, 2021-00403, AND 2021-00408

IN THE MATTER OF	§	**BEFORE THE TEXAS BEHAVIORAL**
	§	**HEALTH EXECUTIVE COUNCIL**
	§	
	§	**THE TEXAS STATE BOARD**
	§	**OF EXAMINERS OF**
JACINTO LOPEZ MEDINA	§	**PROFESSIONAL COUNSELORS**

AGREED ORDER

Pursuant to the authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of the Council, which have been approved and accepted by **JACINTO LOPEZ MEDINA** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a Professional Counselor (#72365) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.

2. Respondent sexually exploited a student under Respondent's supervision by making numerous inappropriate comments to the student about her body and clothing.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.

2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 507.301, and 507.351 of the Texas Occupations Code.

3. Based on the above Findings of Fact, the Council finds that Respondent violated Council Rules 22 TAC §681.42.

4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

7. Respondent, by signing this Agreed Order, hereby voluntarily and permanently **RESIGNS** his or her license (#72365) in lieu of further adjudication by the Council on these matters.

8. Respondent shall return his or her license to the Council no later than fourteen (14) days after the date this order is ratified.

9. The Council will not consider an application for licensure from Respondent and Respondent agrees not to apply for any new license from the Council for ten (10) years from the effective date of this Order.

10. If Respondent seeks to apply for a license with the Council in the future, and the Council is willing to reinstate the license, Respondent will be subject to conditions of eligibility to be imposed by the Council at that time.

WARNING

RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.

THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:

Jacinto Lopez Medina
Licensed Professional Counselor
License No. 72365

DATE SIGNED: 4-19-2022

FOR THE STAFF OF THE COUNCIL:

Victoria Benitez
Texas Bar No. 02134350
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 4-19-2022

APPROVED, RATIFIED, AND ENTERED THIS 21st DAY OF April, 2022.

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 1061-20-0076

IN THE MATTER OF	§	BEFORE THE TEXAS BEHAVIORAL
	§	HEALTH EXECUTIVE COUNCIL
	§	
	§	THE TEXAS STATE BOARD
	§	OF EXAMINERS OF
CHERYL DIANE MIKESKA	§	PROFESSIONAL COUNSELORS

AGREED ORDER

Pursuant to the authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of the Council, which have been approved and accepted by **CHERYL DIANE MIKESKA** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a Professional Counselor (#12244) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.

2. Respondent failed to maintain client confidentiality by releasing records to an entity without prior authorization or legal authority.

3. Respondent failed to timely report suspected or alleged child abuse or neglect.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.

2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 507.301, and 507.351 of the Texas Occupations Code.

3. Based on the above Findings of Fact, the Council finds that Respondent violated Council Rules 22 TAC §681.41(o) and §681.45(a) and (d).

4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order,

Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but agrees to resolve this matter to avoid the expense and uncertainty of further proceedings

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent's license is SUSPENDED for a period of one (1) year from the effective date of this order. However, the one (1) year of suspension shall be PROBATED, so long as Respondent complies with all state and federal statutes and regulations pertaining to the practice of Professional Counseling. Although the probated suspension ordered herein will result in Respondent's license being restricted, Respondent shall take all steps necessary to renew and maintain Respondent's license while this order is in effect. Respondent's license shall remain on restricted status until all terms of this order have been satisfactorily completed.

2. Respondent is assessed and shall pay, within thirty (30) days of the date this order is ratified, an administrative penalty in the total amount of $1,000.00; of which $750.00 represents administrative penalty and $250.00 represents administrative costs.

3. Respondent, within thirty (30) days of the date this order is ratified, shall complete and submit proof of completion of six (6) hours of professional development relating to professional ethics or evaluations, or any combination thereof. This professional development is in addition to the professional development hours required for license renewal. Respondent will pay all costs of the coursework.

WARNING

RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.

THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO

SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:

Cheryl Diane Mikeska

Cheryl Diane Mikeska
1910 Bee Creek Dr.
College Station, Texas 77840

DATE SIGNED: 4-20-22

FOR THE STAFF OF THE COUNCIL:

Victoria Benitez

Victoria Benitez
Texas Bar No. 02134350
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 4-25-22

APPROVED, RATIFIED, AND ENTERED THIS 28th DAY OF April, 2022.

Darrel Spinks

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

3rd Quarter Dismissals for TSBEPC Board

Complaints Dismissed by Staff	Classification	Reason for Dismissal
1. 1061-17-0119	Criminal History	Lack of Jurisdiction
2. 1061-19-0121	Fraud	Lack of Jurisdiction
3. 1061-19-0146	Unprofessional Conduct	Insufficient Evidence
4. 1061-19-0236	Standard of Care	Insufficient Evidence
5. 1061-19-0258	Standard of Care	Warning Letter
6. 1061-19-0263	Confidentiality	Insufficient Evidence
7. 1061-19-0288	Standard of Care	Warning Letter
8. 1061-19-0329	Record Keeping	Insufficient Evidence
9. 1061-20-0033	Standard of Care	Warning Letter
10. 1061-20-0061	Billing Dispute	Warning Letter
11. 1061-20-0062	Standard of Care	Insufficient Evidence
12. 1061-20-0064	Unprofessional Conduct	Insufficient Evidence
13. 1061-20-0077	Sexual Misconduct	Insufficient Evidence
14. 1061-20-0080	Dual Relationship	Insufficient Evidence
15. 1061-20-0092	Unprofessional Conduct	Insufficient Evidence
16. 1061-20-0097	Confidentiality	Insufficient Evidence
17. 1061-20-0103	Unprofessional Conduct	Insufficient Evidence
18. 1061-20-0104	Unprofessional Conduct	Corrective Action Taken
19. 1061-20-0111	Fraud	Insufficient Evidence
20. 1061-20-0113	Standard of Care	Insufficient Evidence
21. 1061-20-0122	Unprofessional Conduct	Insufficient Evidence
22. 1061-20-0124	Standard of Care	Insufficient Evidence
23. 1061-20-0125	Unprofessional Conduct	Warning Letter
24. 1061-20-0131	Standard of Care	Insufficient Evidence
25. 1061-20-0136	Standard of Care	Lack of Jurisdiction
26. 1061-20-0141	Unprofessional Conduct	Insufficient Evidence
27. 1061-20-0145	Confidentiality	Insufficient Evidence
28. 1061-20-0146	Confidentiality	Insufficient Evidence
29. 1061-20-0149	Criminal History	Insufficient Evidence
30. 1061-20-0154	Criminal History	Insufficient Evidence
31. 1061-20-0159	Unprofessional Conduct	Insufficient Evidence
32. 1061-20-0161	Standard of Care	Insufficient Evidence
33. 1061-20-0162	Records Request	Warning Letter
34. 1061-20-0163	Confidentiality	Insufficient Evidence
35. 1061-20-0165	Standard of Care	Insufficient Evidence
36. 1061-20-0171	Court Ordered Therapy	Insufficient Evidence
37. 1061-20-0172	Standard of Care	Insufficient Evidence
38. 1061-20-0182	Standard of Care	Insufficient Evidence
39. 1061-20-0184	Confidentiality	Insufficient Evidence

40. 1061-20-0188	Standard of Care	Insufficient Evidence
41. 1061-20-0189	Confidentiality	Insufficient Evidence
42. 1061-20-0191	Standard of Care	Insufficient Evidence
43. 1061-20-0192	Standard of Care	Insufficient Evidence
44. 1061-20-0193	Record Keeping	Insufficient Evidence
45. 1061-20-0195	Standard of Care	Insufficient Evidence
46. 1061-20-0197	Fraud	Insufficient Evidence
47. 1061-20-0198	Standard of Care	Insufficient Evidence
48. 1061-20-0205	Confidentiality	Insufficient Evidence
49. 1061-20-0210	Unprofessional Conduct	Insufficient Evidence
50. 1061-20-0211	Record Keeping	Complainant Withdrew
51. 1061-20-0212	Billing Dispute	Corrective Action Taken
52. 1061-20-0213	Confidentiality	Warning Letter
53. 1061-20-0219	Confidentiality	Insufficient Evidence
54. 1061-20-0222	Standard of Care	Insufficient Evidence
55. 1061-20-0223	Record Keeping	Insufficient Evidence
56. 1061-20-0224	Standard of Care	Insufficient Evidence
57. 1061-20-0235	Confidentiality	Warning Letter
58. 1061-20-0237	Record Keeping	Warning Letter
59. 1061-20-0240	Unprofessional Conduct	Insufficient Evidence
60. 1061-20-0242	Standard of Care	Insufficient Evidence
61. 1061-20-0243	Dual Relationship	Insufficient Evidence
62. 1061-20-0244	Standard of Care	Insufficient Evidence
63. 1061-20-0249	Unprofessional Conduct	Insufficient Evidence
64. 1061-20-0250	Standard of Care	Insufficient Evidence
65. 1061-20-0252	Record Keeping	Insufficient Evidence
66. 1061-20-0253	Unprofessional Conduct	Insufficient Evidence
67. 1061-20-0254	Standard of Care	Warning Letter
68. 1061-20-0255	Standard of Care	Insufficient Evidence
69. 2020-00159	Standard of Care	Insufficient Evidence
70. 2021-00106	Unprofessional Conduct	Insufficient Evidence
71. 2021-00110	Record Keeping	Warning Letter
72. 2021-00154	Advertising	Corrective Action Taken
73. 2021-00206	Child Custody	Warning Letter
74. 2021-00226	Record Keeping	Lack of Jurisdiction
75. 2021-00235	Standard of Care	Insufficient Evidence
76. 2021-00265	Standard of Care	Insufficient Evidence
77. 2021-00271	Unprofessional Conduct	Insufficient Evidence
78. 2021-00294	Confidentiality	Previously Addressed and Resolved
79. 2021-00301	Dual Relationship	Warning Letter
80. 2021-00304	Unlicensed Person	Corrective Action Taken
81. 2021-00323	Unlicensed Person	Corrective Action Taken
82. 2021-00322	Unlicensed Person	Corrective Action Taken
83. 2021-00330	Unlicensed Person	Corrective Action Taken

84. 2021-00333	Unlicensed Person	Corrective Action Taken
85. 2021-00378	Standard of Care	Insufficient Evidence
86. 2021-00384	Billing Dispute	Insufficient Evidence
87. 2021-00386	Advertising	Insufficient Evidence
88. 2021-00389	Standard of Care	Warning Letter
89. 2021-00394	Record Keeping	Complainant Withdrew
90. 2021-00406	Failure to Report	Warning Letter
91. 2021-00414	Standard of Care	Lack of Jurisdiction
92. 2021-00424	Billing Dispute	Lack of Jurisdiction
93. 2021-00427	Standard of Care	Insufficient Evidence
94. 2021-00429	Confidentiality	Insufficient Evidence
95. 2021-00431	Confidentiality	Insufficient Evidence
96. 2022-00003	Standard of Care	Insufficient Evidence
97. 2022-00011	Standard of Care	Insufficient Evidence
98. 2022-00017	Confidentiality	Insufficient Evidence
99. 2022-00025	Court Ordered Therapy	Conditional Precedent Not Met
100. 2022-00037	Unprofessional Conduct	Insufficient Evidence
101. 2022-00058	Dual Relationship	Insufficient Evidence
102. 2022-00068	Unprofessional Conduct	Insufficient Evidence
103. 2022-00072	Unlicensed Person	Insufficient Evidence
104. 2022-00082	Standard of Care	Lack of Jurisdiction
105. 2022-00086	Confidentiality	Warning Letter
106. 2022-00088	Sexual Misconduct	Insufficient Evidence
107. 2022-00120	Unprofessional Conduct	Insufficient Evidence
108. 2022-00124	Not Related to Licensed Activity	Lack of Jurisdiction
109. 2022-00149	Not Related to Licensed Activity	Insufficient Evidence
110. 2022-00150	Court Ordered Therapy	Conditional Precedent Not Met
111. 2022-00153	Not Related to Licensed Activity	Lack of Jurisdiction
112. 1061-19-0044	Record Keeping	Warning Letter
113. 1061-20-0207	Unlicensed Person	Corrective Action Taken
114. 2022-00163	Dual Relationship	Lack of Jurisdiction
115. 2022-00175	Standard of Care	Insufficient Evidence
116. 2022-00176	Failure to Report	Warning Letter
117. 2022-00236	Reportable Event	Warning Letter
118. 2022-00259	Standard of Care	Insufficient Evidence
119. 2022-0223	Reportable Event	Warning Letter

3rd QUARTER PERFORMANCE MEASURES

FISCAL YEAR 2022

Submitted to the
Governor's Office of Budget and Planning
and the Legislative Budget Board

by

Texas Behavioral Health Executive Council

June 27, 2022

Executive Director

6/27/2022
Date

Agency code: **510** Agency name: **Behavioral Health Executive Council**

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Output Measures					
1-1-1 LICENSING					
1 # NEW LICENSEES ISSUED					
Quarter 1	7,800.00	2,544.00	2,544.00	32.62 % *	1,560.00 - 2,340.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that it would issue 7,800 new licenses per fiscal year, or 1,950 per quarter. During the first quarter of FY 22, the agency exceeded its target by 8%, issuing 2,544 new licenses.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The number of new licenses issued during the first quarter of FY 21 was 1,789. This number has now increased to 2,544, all in the scope of one year, due to the dedication and efficiency of the licensing staff and the significant workforce shortage of behavioral health providers. The Council believes that its initial projection was too low, and will make adjustments during the next LAR.

* Varies by 5% or more from target.

Agency code: **510** Agency name: **Behavioral Health Executive Council**

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Output Measures					
1 # NEW LICENSEES ISSUED					
Quarter 2	7,800.00	2,205.00	4,749.00	60.88 % *	3,510.00 - 4,290.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that it would issue 7,800 new licenses per fiscal year, or 1,950 per quarter. During the second quarter of FY 22, the agency exceeded its target by issuing 2,205 for the quarter, for a total of 4,749 YTD new licenses.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The number of new licenses issued during the second quarter of FY 21 was 1,997. This number has now increased to 2,205 all in the scope of one year, due to the dedication and efficiency of the licensing staff and the significant workforce shortage of behavioral health providers. The Council believes that its initial projection was too low, and will make adjustments during the next LAR.

* Varies by 5% or more from target.

Agency code: **510** Agency name: **Behavioral Health Executive Council**

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Output Measures					
1 # NEW LICENSEES ISSUED					
Quarter 3	7,800.00	2,314.00	7,063.00	90.55 % *	5,460.00 - 6,240.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that it would issue 7,800 new licenses per fiscal year, or 1,950 per quarter. During the third quarter of FY 22, the agency exceeded its target by issuing 2,314 for the quarter, for a total of 7,063 YTD new licenses.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The number of new licenses issued each quarter continue to average around 2,350 due to the dedication and efficiency of the licensing staff and the significant workforce shortage of behavioral health providers. The Council believes that its initial projection was too low, and will make adjustments during the next LAR.

2 # LICENSE RENEWALS

* Varies by 5% or more from target.

Agency code: **510** Agency name: **Behavioral Health Executive Council**

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Output Measures					
2 # LICENSE RENEWALS					
Quarter 1	42,000.00	7,564.00	7,564.00	18.01 % *	8,400.00 - 12,600.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that it would renew 42,000 licenses per fiscal year, or 10,500 per quarter. During the first quarter of FY 22, the agency fell short of its target by 7%, renewing 7,564 licenses.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

All license renewals are required to be submitted online and are approved automatically by the online licensing system, unless they are under audit or the agency hasn't received their fingerprint criminal history results. Licensing staff have little control over how many licensees will choose to renew their license, and therefore how many renewals get processed. The Council believes that its initial projection was too high, and will make adjustments during the next LAR.

* Varies by 5% or more from target.

Agency code: **510** Agency name: **Behavioral Health Executive Council**

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Output Measures					
2 # LICENSE RENEWALS					
Quarter 2	42,000.00	6,751.00	14,315.00	34.08 % *	18,900.00 - 23,100.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that it would renew 42,000 licenses per fiscal year, or 10,500 per quarter. During the second quarter of FY 22, the agency fell short of its target, renewing 6,751 licenses.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

All license renewals are required to be submitted online and are approved automatically by the online licensing system, unless they are under audit or the agency hasn't received their fingerprint criminal history results. Licensing staff have little control over how many licensees will choose to renew their license, and therefore how many renewals get processed. The Council believes that its initial projection was too high, and will make adjustments during the next LAR.

* Varies by 5% or more from target.

Agency code: **510** Agency name: **Behavioral Health Executive Council**

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Output Measures					
2 # LICENSE RENEWALS					
Quarter 3	42,000.00	6,833.00	21,148.00	50.35 % *	29,400.00 - 33,600.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that it would renew 42,000 licenses per fiscal year, or 10,500 per quarter. During the third quarter of FY 22, the agency fell short of its target, renewing 6,833 licenses.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

All license renewals are required to be submitted online and are approved automatically by the online licensing system, unless they are under audit or the agency hasn't received their fingerprint criminal history results. Licensing staff have little control over how many licensees will choose to renew their license, and therefore how many renewals get processed. The Council believes that its initial projection was too high, and will make adjustments during the next LAR.

2-1-1 ENFORCEMENT

1 COMPLAINTS RESOLVED

* Varies by 5% or more from target.

Agency code: **510** Agency name: **Behavioral Health Executive Council**

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Output Measures					
1 COMPLAINTS RESOLVED					
Quarter 1	1,000.00	195.00	195.00	19.50 % *	200.00 - 300.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that it would resolve 1,000 complaints per fiscal year, or 250 per quarter. During the first quarter of FY 22, the agency fell short of this measure by 5%, resolving 195 complaints.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The number of complaints resolved during the first quarter of FY 21 was 104. This number has now increased to 195, due to the dedication and efficiency of the enforcement and legal staff. The Council believes that its initial projection was correct, and that its target will be met or exceeded by the end of the fiscal year, assuming the Council is able to maintain full or close-to-full staffing levels. However, the Council will monitor this target to determine if adjustments need to be made during the next LAR.

* Varies by 5% or more from target.

Agency code: **510** Agency name: **Behavioral Health Executive Council**

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Output Measures					
1 COMPLAINTS RESOLVED					
Quarter 2	1,000.00	89.00	284.00	28.40 % *	450.00 - 550.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that it would resolve 1,000 complaints per fiscal year, or 250 per quarter. During the second quarter of FY 22, the agency fell short of this measure by resolving 89 complaints.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

At the beginning of FY 21, the agency inherited over 1,300 pending complaints. Due to the dedication and efficiency of the enforcement and legal staff, the pending complaints at the end of the second quarter of FY22 is down to 594. Additionally, the agency is projecting to receive around 500 complaints this year. Due to these two factors, the Council believes that its initial projection to resolve 1,000 complaints per year was too high for FY22, and will make adjustments during the next LAR.

* Varies by 5% or more from target.

Agency code: **510** Agency name: **Behavioral Health Executive Council**

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Output Measures					
1 COMPLAINTS RESOLVED					
Quarter 3	1,000.00	226.00	510.00	51.00 % *	700.00 - 800.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that it would resolve 1,000 complaints per fiscal year, or 250 per quarter. During the third quarter of FY 22, the agency was within 9% of this target by resolving 226 complaints.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

At the beginning of FY 21, the agency inherited over 1,300 pending complaints. Due to the dedication and efficiency of the enforcement and legal staff, the pending complaints at the end of the third quarter of FY22 is down to 532. Additionally, the agency is projecting to receive around 500 complaints this year. Due to these two factors, the Council believes that its initial projection to resolve 1,000 complaints per year was too high for FY22, and will make adjustments during the next LAR.

2 COMPLAINTS PENDING

* Varies by 5% or more from target.

Agency code: **510** Agency name: **Behavioral Health Executive Council**

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Output Measures					
2 COMPLAINTS PENDING					
Quarter 1	1,000.00	579.00	579.00	57.90 % *	950.00 - 1,050.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs. This was based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that there would be 1,000 complaints pending during FY 2022. During the first quarter of FY 22, the agency exceeded this measure by only having 579 complaints pending.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The number of complaints pending at the beginning of FY 21 was 1,379. This number has now decreased to 579, all in the scope of one year, due to the dedication and efficiency of the enforcement and legal staff. The Council believes that its initial projection was too high, and will make adjustments during the next LAR.

* Varies by 5% or more from target.

Agency code: **510** Agency name: **Behavioral Health Executive Council**

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Output Measures					
2 COMPLAINTS PENDING					
Quarter 2	1,000.00	594.00	594.00	59.40 % *	950.00 - 1,050.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs. This was based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that there would be 1,000 complaints pending during FY 2022. During the second quarter of FY 22, the agency exceeded this measure by only having 594 complaints pending.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The number of complaints pending at the beginning of FY 21 was over 1,300. This number has now decreased to 594, all in the scope of one year, due to the dedication and efficiency of the enforcement and legal staff. Additionally, the agency is projecting to only receive around 500 complaints this year. Due to these two factors, the Council believes that its initial projection of 1,000 complaints pending is too high for FY22, and will make adjustments during the next LAR.

* Varies by 5% or more from target.

Agency code: **510** Agency name: **Behavioral Health Executive Council**

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Output Measures					
2 COMPLAINTS PENDING					
Quarter 3	1,000.00	532.00	532.00	53.20 % *	950.00 - 1,050.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs. This was based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that there would be 1,000 complaints pending during FY 2022. During the third quarter of FY 22, the agency bested this measure by only having 532 complaints pending.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The number of complaints pending at the beginning of FY 21 was over 1,300. This number has now decreased to 532, all in the scope of one year, due to the dedication and efficiency of the enforcement and legal staff. Additionally, the agency is projecting to only receive around 500 complaints this year. Due to these two factors, the Council believes that its initial projection of 1,000 complaints pending is too high for FY22, and will make adjustments during the next LAR.

Efficiency Measures

1-1-1 LICENSING

1 AVG TIME TO PROCESS APP (DAYS)

* Varies by 5% or more from target.

Agency code: **510** Agency name: **Behavioral Health Executive Council**

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Efficiency Measures					
1 AVG TIME TO PROCESS APP (DAYS)					
Quarter I	60.00	54.39	54.39	90.65 % *	57.00 - 63.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected the average issuance time for licenses would be 60 days. During the first quarter of FY 22, the agency exceeded this measure by having an average license issuance time of only 55 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for license issuance during the first quarter of FY 21 was 78 days. This number has now decreased to 55 days, all in the scope of one year, due to the dedication and efficiency of the licensing staff. The Council believes that its initial projection was correct, and that its target will continue to be met or exceeded assuming the Council is able to maintain full or close-to-full staffing levels. However, the Council will monitor this target to determine if adjustments need to be made during the next LAR.

* Varies by 5% or more from target.

Agency code: **510** Agency name: **Behavioral Health Executive Council**

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Efficiency Measures					
1 AVG TIME TO PROCESS APP (DAYS)					
Quarter 2	60.00	47.74	51.26	85.43 % *	57.00 - 63.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected the average issuance time for licenses would be 60 days. In the second quarter of FY 22, the agency exceeded this measure by having an YTD average license issuance time of only 48 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for license issuance specific to the second quarter of FY 21 was 95 days. This number has now decreased to 48 days, all in the scope of one year, due to the dedication and efficiency of the licensing staff. The Council believes that its initial projection was correct, and that its target will continue to be met or exceeded assuming the Council is able to maintain full or close-to-full staffing levels. However, the Council will monitor this target to determine if adjustments need to be made during the next LAR.

* Varies by 5% or more from target.

Agency code: **510** Agency name: **Behavioral Health Executive Council**

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Efficiency Measures					
1 AVG TIME TO PROCESS APP (DAYS)					
Quarter 3	60.00	40.13	47.58	79.30 % *	57.00 - 63.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected the average issuance time for licenses would be 60 days. In the third quarter of FY 22, the agency bested this measure by having an YTD average license issuance time of only 48 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for license issuance specific to the third quarter of FY 21 was 76 days. This number has now decreased to 41 days, all in the scope of one year, due to the dedication and efficiency of the licensing staff. The Council believes that its initial projection was correct, and that its target will continue to be met or beat assuming the Council is able to maintain full or close-to-full staffing levels. However, the Council will monitor this target to determine if adjustments need to be made during the next LAR.

2-1-1 ENFORCEMENT					
1 AVG TIME/COMPLAINT RESOLUTION					
Quarter 1	750.00	783.16	783.16	104.42 %	712.50 - 787.50
Quarter 2	750.00	681.26	751.23	100.16 %	712.50 - 787.50

* Varies by 5% or more from target.

Agency code: **510** Agency name: **Behavioral Health Executive Council**

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Efficiency Measures					
1 AVG TIME/COMPLAINT RESOLUTION					
Quarter 3	750.00	542.53	658.75	87.83 % *	712.50 - 787.50

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs. This was based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected the average processing time for complaints would be 750 days. In the third quarter of FY 22, the agency bested this measure by having an YTD average processing resolution time of 659 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for complaint resolution specific to the third quarter of FY 21 was 837 days. This number has now decreased to 543 days, all in the scope of one year, due to the dedication and efficiency of the enforcement and legal staff. The Council believes that its initial projection for FY 22 was reasonably accurate, and that this target will continue to be met or beat assuming the Council is able to maintain full or close-to-full staffing levels. However, the Council will monitor this target to determine if adjustments need to be made during the next LAR.

* Varies by 5% or more from target.

TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL
3rd QUARTER MEASURES
FY 2022

Number of Licenses Renewed (from ald12)

LSSP	423
LIC	602
LPA	105
LPC	2624
MFTA	38
MFT	327
LBSW	412
LMSW	1126
LCSW	1156
AP	20
Total	6833

Number of Licenses Issued (from ald11 and BO)

LPA	12
PLP	105
LIC	72
LSSP	23
LPCA	467
LPC	148
LPC Upgrade	411
MFTA	72
MFT	82
MFT Upgrade	44
LBSW	49
LMSW	411
LCSW	199
AMEC Upgrade	0
LMSW Upgrade	11
LCSW Upgrade	204
TEMP SW	4
Total	2314

TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL
3rd QUARTER MEASURES
FY 2022

Number of Complaints Resolved (from BO report)

LP/LPA	33
LSSP	0
LPC	136
MFT	20
SW	37
Total	226

Percent of Complaint Resolved Within Six Months (from BO report)

1st Qtr	52/195 =	27%
2nd Qtr	23/89 =	26%
3rd Qtr	56/226 =	25%
4th Qtr		
YTD	131/510 =	26%

Percent of Complaints Resolved resulting in Disciplinary Action (from BO report)

1st Qtr	15/195 =	8%
2nd Qtr	9/89 =	11%
3rd Qtr	25/226 =	11%
4th Qtr		
YTD	49/510 =	10%

Average Time for Complaint Resolution (from BO report)

1st Qtr	152,716 days to resolve 195 complaints = 783.16 days
2nd Qtr	60,632 days to resolve 89 complaints = 681.26 days
3rd Qtr	122,612 days to resolve 226 complaints = 542.53 days
4th Qtr	
YTD	335,960 days to resolve 510 complaints = 658.75 days

Average Time for Application Processing (from BO report) **(Bold averages only)**

1st Qtr	130,155 days to process 2,393 applications =	54.39 days
2nd Qtr	102,066 days to process 2,138 applications =	47.74 days
3rd Qtr	89,892 days to process 2,240 applications =	40.13 days
4th Qtr		
YTD	322,113 days to process 6,771 applications =	47.58 days

Calculations reviewed by: _____

Date: _____

LPA Initial	**678 days to process 15 applications =**	**45.20**
LPA Final	4,043 days to process 12 applications =	336.92
Old LIC Final	1,798 days to process 3 applications =	599.34
LIC Initial	**3.931 days to process 102 applications =**	**38.54**
LIC Final	10,280 days to process 72 applications =	142.78
LSSP	**972 days to process 23 applications =**	**42.26**
LPC Initial	**12,262 days to process 147 applications =**	**83.42**
LPCA Initial	**19,589 days to process 466 applications =**	**42.04**
LPC Upgrade	**1,494 days to process 411 applications =**	**3.64**
MFTA Exam	16,049 days to process 100 applications =	160.49
MFT License	**7,532 days to process 82 applications =**	**91.86**
MFTA License	**5,122 days to process 72 applications =**	**71.14**
MFTA Upgrade	**728 days to process 44 applications =**	**16.55**
SW License	**15,549 days to process 371 applications =**	**41.92**
SW OOS License	**18,303 days to process 288 applications =**	**63.56**
SW Upgrade	**3,219 days to process 215 applications =**	**14.98**
Temp SW License	**513 days to process 4 applications =**	**128.25**

- **Those in BOLD are the applications we have more control over (i.e. we are not waiting for them to take and pass a national exam).**

TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL
ANNUAL MEASURES
FY 2022

Number of Jurisdictional Complaints Received (from BO report)		162
Number of Complaints Pending (from BO report)		532
Closed	39	
Investigation Completed	152	
Under Investigation	341	

Percent of Licensees With No Recent Violations

Total	*373 disciplinary actions*
Less duplicates	*-75 duplicates*
Total unduplicated	*298 disciplinary actions*

Number of individuals (unduplicated) licensed as of 8/31/2021: 71,662

71,662 - 298 = 71,364

71,364/71,662 = 99.59%

Recidivism Rate

Individuals with disciplinary actions FY 19 – FY 21	*298*
Individuals with 2 or more disciplinary actions	*49*

49/298 = 16.45%

Calculation Reviewed by: _____

Date: _____

STATUS REPORT **3rd Quarter**	**3Q FY22** **Mar 1, 2022** **to** **May 31, 2022**	2Q FY22 Dec 1, 2021 to Feb 28, 2022	1Q FY22 Sep 1, 2021 to Nov 30, 2021	4Q FY21 Jun 1, 2021 to Aug 31, 2021
Number of Pending Complaints	**532**	594	579	634
Pending Complaints per Member Board	**TSBEPC-235** **TSBSWE-181** **TSBEMFT-43** **TSBEP-73**	TSBEPC-291 TSBSWE-171 TSBEMFT-54 TSBEP-78	TSBEPC-266 TSBSWE- 191 TSBEMFT-54 TSBEP-68	TSBEPC-283 TSBSWE- 229 TSBEMFT-59 TSBEP-63
Number of New Complaints Received	**164**	105	148	128
Pending Priority 1 Cases (Imminent Physical Harm)	**1** **TSBEPC-0** **TSBSWE-1** **TSBEMFT-0** **TSBEP-0**	4 TSBEPC-2 TSBSWE-1 TSBEMFT-1 TSBEP-0	6 TSBEPC-2 TSBSWE-3 TSBEMFT-1 TSBEP-0	18
Pending Priority 2 Cases (Sexual Misconduct)	**57** **TSBEPC-28** **TSBSWE-26** **TSBEMFT-0** **TSBEP-3**	52 TSBEPC-25 TSBSWE-24 TSBEMFT-1 TSBEP-3	52 TSBEPC-24 TSBSWE-24 TSBEMFT-2 TSBEP-2	57
Pending Priority 3 Cases (Applicants)	**12** **TSBEPC-4** **TSBSWE-8** **TSBEMFT-0** **TSBEP-0**	15 TSBEPC-4 TSBSWE-8 TSBEMFT-1 TSBEP-2	11 TSBEPC-1 TSBSWE-6 TSBEMFT-2 TSBEP-2	11
Cases Resolved this Quarter	**228**	89	197	308
Agreed Orders Signed	**25**	9	15	53
Cases Dismissed by Staff	**203**	80	182	255
Cases Dismissed by member Boards	**0**	0	0	0
Cases Reviewed at an ISC this Quarter	**16**	3	19	24
Pending Cases by Fiscal Year				
FY2015 0 going to SOAH	**1**	1	2	5
FY2016 3 going to SOAH	**3**	3	5	11
FY2017 1 going to SOAH	**4**	8	11	21
FY2018 1 going to SOAH	**2**	6	8	16
FY2019 3 going to SOAH	**14**	35	56	81
FY2020 5 going to SOAH	**82**	167	199	263
FY2021 6 going to SOAH	**111**	153	163	227
FY2022 0 going to SOAH	**315**	221	135	
Total	**532**	594	579	634

Rule: 681.140. Requirements for Continuing Education.

Action: Proposed New Rule

Comment: This proposed new rule consolidates all the continuing education requirements contained in multiple rules into this single rule. Additionally, this rule adds and changes some of the requirements for each renewal cycle. For example, LPCs will now be required to complete three hours of cultural diversity or competency; licensees with supervisor status will be required to complete six hours in supervision, instead of three, but these hours will count towards the minimum required hours, instead of in addition to the required hours; licensees may carry up to 10 unclaimed continuing education hours of from one renewal period to the next; and lastly licensees can now claim up to one hour of self-study continuing education credit.

681.140. Requirements for Continuing Education.

(a) Minimum Continuing Education Hours Required.

(1) An LPC must complete 24 hours of continuing education during each renewal period that they hold a license. The 24 hours of continuing education must include 6 hours in ethics and 3 hours in cultural diversity or competency.

(2) A licensee may carry forward to the next renewal period, a maximum of 10 hours accrued during the current renewal period if those hours are not needed for renewal.

(b) Special Continuing Education Requirements.

(1) A licensee with supervisory status must complete 6 hours of continuing education in supervision.

(2) The special continuing education requirements set out in this subsection may be counted toward the minimum continuing education hours required under subsection (a).

(c) Acceptable ethics hours include, but are not limited to continuing education on:

(1) state or federal laws, including agency rules, relevant to the practice of professional counseling;

(2) practice guidelines established by local, regional, state, national, or international professional organizations;

(3) training or education designed to demonstrate or affirm the ideals and responsibilities of the profession; and

(4) training or education intended to assist licensees in determining appropriate decision-making and behavior, improve consistency in or enhance the professional delivery of services, and provide a minimum acceptable level of practice.

(d) Acceptable cultural diversity or competency hours include, but are not limited to continuing education regarding age, disability, ethnicity, gender, gender identity, language, national origin, race, religion, culture, sexual orientation, and socio-economic status.

(e) Acceptable Continuing Education Activities.

(1) All continuing education hours must have been received during the renewal period unless allowed under subsection (a)(2) of this section, and be directly related to the practice of professional counseling.

(2) The Council shall make the determination as to whether the activity claimed by the licensee is directly related to the practice of professional counseling.

(3) Except for hours claimed under subsection (h), 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 licensee with supervisor status.

(7) a hospital or hospital system, including any clinic, division, or department within a hospital or hospital system.

(8) any provider approved or endorsed by a provider listed herein.

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

(h) Notwithstanding subsection (f) of this section, licensees may claim continuing education credit for each of the following activities:

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

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

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

(4) Teaching or attending a graduate level course. The maximum number of hours that may be claimed for this activity is 5 hours.

(5) Self-study. The maximum number of hours that may be claimed for this activity is 1 hour. Self-study is credit that is obtained from any type of activity that is performed by an individual licensee acting alone. Such activities include, but are not limited to, reading materials directly related to the practice of professional counseling. Time spent individually viewing or listening to audio, video, digital, or print media as part of an organized continuing education activity, program, or offering from a third-party is not subject to this self-study limitation and may count as acceptable education under other parts of this rule.

(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.

Rule: 681.141. General Continuing Education Requirements.

Action: Proposed Repeal

Comment: This rule is proposed to be repealed because these same requirements have been added to new Board rule §681.140, pertaining to continuing education, where all licensee continuing education requirements have been consolidated.

~~§681.141. General Continuing Education Requirements.~~

~~(a) The purpose of Council rules §§681.141-681.147 is to establish the continuing education requirements for the renewal of an LPC license. These requirements are intended to maintain and improve the quality of professional counseling services provided to the public and maintain licensee knowledge of current research, techniques, and practice; and provide resources which will improve skill and competence in professional counseling.~~

~~(b) A licensee must complete 24 clock-hours of continuing education acceptable to the Council during each 24-month period. A clock-hour is 60 minutes of attendance and participation in an acceptable continuing education experience. A licensee must complete at least four hours of continuing education in ethics, two of which must be directly related to Texas LPC ethics, each renewal period. Completion of the jurisprudence examination will count as one hour of continuing education in Texas LPC ethics.~~

~~(c) A licensee holding the supervisor status must complete 6 additional hours of continuing education in supervision every 2 years~~

Rule: 681.142. Acceptable Continuing Education

Action: Proposed Repeal

Comment: This rule is proposed to be repealed because these same requirements have been added to new Board rule §681.140, pertaining to continuing education, where all licensee continuing education requirements have been consolidated.

~~§681.142. Acceptable Continuing Education. The continuing education must be related to counseling.~~

~~(1) The licensee must ensure the education provided is related to the practice of professional counseling.~~

~~(2) The licensee must ensure the individual(s) presenting the information have the necessary experience and knowledge in the topic(s) presented.~~

~~(3) The presenter must verify attendance of participants and provides participants with a letter or certificate of attendance displaying the licensee's name, topic covered, date course was taken, and hours of credit earned.~~

~~(4) The presenter must provide participants a mechanism for evaluation of each continuing education activity.~~

Rule: 681.143. Activities Unacceptable as Continuing Education.

Action: Proposed Repeal

Comment: This rule is proposed to be repealed because these same requirements have been added to new Board rule §681.140, pertaining to continuing education, where all licensee continuing education requirements have been consolidated.

~~§681.143. Activities Unacceptable as Continuing Education. The Council will not give continuing education credit to a licensee for:~~

~~(1) education incidental to the regular professional activities of a counselor such as learning occurring from experience or research;~~

~~(2) organizational activity such as serving on committees or councils or as an officer in a professional organization;~~

~~(3) meetings and activities not related to the practice of professional counseling that are required as a part of one's job;~~

~~(4) teaching or consultation that is part of one's employment; and~~

~~(5) an experience that does not fit the types of acceptable continuing education in §681.141 of this title (relating to Acceptable Continuing Education).~~

Rule: 681.145. Determination of Clock-hour Credits.

Action: Proposed Repeal

Comment: This rule is proposed to be repealed because these same requirements have been added to new Board rule §681.140, pertaining to continuing education, where all licensee continuing education requirements have been consolidated.

~~§681.145. Determination of Clock-hour Credits.~~

~~(a) Programs which meet the criteria of §681.142 of this title (relating to Acceptable Continuing Education) shall be credited on a one-for-one basis with one clock-hour of credit for each clock-hour spent in the continuing education activity.~~

~~(b) Teaching in programs not part of the licensee's employment which meet the Council's criteria as set out in §681.142 of this title will be credited on the basis of one clock-hour of credit for one clock-hour taught plus two clock-hours credit for preparation for each hour taught. No more than 9 hours of the 24 clock-hour continuing education requirement can be credited under this option. Credit may be granted for the same presentation only once during a two-year period.~~

~~(c) Completion of academic work with a passing grade in subject areas supporting the development of skills and competence in professional counseling at an accredited school will be credited on the basis of 15 clock-hours of credit for each semester hour or 10 clock-hours of credit for each quarter hour completed.~~

Rule: 681.147. 40-Clock-Hour Supervisor Training Course.

Action: Proposed Amendments

Comment: Section 681.142 has been proposed to be repealed and replaced with §681.140, so corresponding amendments have been made to this rule.

§681.147. 40-Clock-Hour Supervisor Training Course. The 40-clock-hour supervision training must be education related to the practice of professional counseling ~~comply with §681.142 of this title (relating to Acceptable Continuing Education)~~ and:

(1) the course must be taught by a full LPC with supervisor status;

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

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

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

(B) three (3) clock-hours for supervisory relationship and counselor development;

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

(D) twelve (12) clock-hours covering roles for supervision and standards of practice; Subchapter B (relating to Rules of Practice); Subchapter C (relating to Application and Licensing); §681.91 of this title (relating to LPC Associate License); §681.92 of this title (relating to Experience Requirements); §681.93 of this title (relating to Supervisor Requirements); other codes of ethics; and legal and professional issues; and

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

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RESOLUTION

Of the TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS, Regarding Consideration by THE STATE OF TEXAS for Membership in the Interstate COUNSELING COMPACT;

I. The Counseling Compact ("Compact") is an occupational licensure compact among states that allows licensed professional counselors residing in member states to practice in other member states without the need for multiple licenses. The Compact became operational April 19, 2022 upon the addition of a 10th member state. As of September 9, 2022, the Compact has 17 members.

II. Residents of Texas stand to benefit in numerous ways should the state join the Compact, including:

- Extending the opportunity to serve clients in other states through teletherapy;
- Certifying that professional counselors meet acceptable standards of practice while maintaining member states' licensure autonomy;
- Allowing military personnel and spouses to maintain their licenses upon relocation by significantly reducing the time needed for authorization to practice;
- Creating ease and flexibility for counselors responding in crisis situations;

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- Facilitating continuity of care when clients relocate or travel.

III. Membership in the Compact does not change Texas's authority to license and regulate the state's professional counselors. Similar to other successfully implemented licensure compacts, the Texas State Board of Examiners of Professional Counselors ("Board") would maintain its authority to regulate counselors in order to protect the citizens of Texas.

IV. Potential State of Texas membership in the Compact enjoys broad support from the counseling profession's stakeholder organizations, and Board members are willing and available to serve as resource witnesses during consideration of the legislation required to join.

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