

Texas State Board of Social Worker Examiners
LICENSING STANDARDS AND QUALIFICATION COMMITTEE MEETING
BY VIDEOCONFERENCE
Tuesday, January 5, 2021, at 8:30 AM
333 Guadalupe, Suite 3-900, Austin, Texas 78701

Due to Governor Greg Abbott's March 13, 2020, proclamation of a state of disaster affecting all counties in Texas in response to the Coronavirus (COVID-19) and the Governor's March 16, 2020, suspension of certain provisions of the Texas Open Meetings Act, this Committee meeting will be held by videoconference. Members of the public will have access and a means to participate in this Committee meeting with two-way communication by entering the URL address <https://us02web.zoom.us/j/89224315453> or calling:

+1 346 248 7799 US (Houston),
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+1 301 715 8592 US (Germantown),
+1 312 626 6799 US (Chicago), or
+1 646 558 8656 US (New York) and entering meeting ID: 892 2431 5453

FOR PUBLIC PARTICIPANTS: After the Committee meeting convenes, staff will ask you identify yourself by name and state whether you would like to provide public comment. When the Committee reaches the agenda item for public comment, staff will recognize you by name and give you an opportunity to speak. All public comments will be limited to three minutes. In the event Governor Greg Abbott's March 13, 2020, disaster declaration is not renewed or expires before January 5, 2021, then pursuant to Texas Government Code, §551.127, notice is hereby given that one or more board members may appear at the scheduled meeting via videoconference, but the presiding officer will be physically present at the above-noticed location. This location will be open to the public only in the event the March 13 disaster declaration is not renewed. Please note that the Committee 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 five working days before the meeting date: by phone: (512) 305-7700, e-mail: executive.director@tsbep.texas.gov, by TTY/RELAY TEXAS: 711 or 1-800-RELAY TX. The Committee 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 Committee may discuss and take action concerning any matter on the agenda and in a different order from what it appears herein.

AGENDA

(Jackson Loss, Graham, and Mosier)

1. Call meeting to order.
2. Approve minutes from the September 11, 2020, Licensing Standards and Qualification Committee meeting.
3. Discussion and possible action regarding licensing qualification issues:
 - A. Appeals relating to supervision:
 - Daniel, Christy
 - Jasser, Shareen
 - Morado, Valeria
 - B. Appeals relating to examination retest requests:
 - Chideme, Gertrude
 - Rice, Yanitza
 - C. Appeals relating to qualification issues in general:
 - Johnson, Steven

4. Items for consideration for future committee meeting agendas.
5. Public comment.
6. Set next committee meeting date(s).
7. Adjourn meeting.

This meeting is open to the public. No reservations are required and there is no cost to attend this meeting.

CONTACT: Sarah Faszholz, Board Administrator
Texas State Board of Social Worker Examiners
general@bhec.texas.gov

Texas State Board of Social Worker Examiners
PROFESSIONAL DEVELOPMENT COMMITTEE MEETING
BY VIDEOCONFERENCE
Tuesday, January 5, 2021, at 1:00 PM
Or upon adjournment of the Licensing Standards and Qualification Committee meeting
333 Guadalupe, Suite 3-900, Austin, Texas 78701

Due to Governor Greg Abbott's March 13, 2020, proclamation of a state of disaster affecting all counties in Texas in response to the Coronavirus (COVID-19) and the Governor's March 16, 2020, suspension of certain provisions of the Texas Open Meetings Act, this Committee meeting will be held by videoconference. Members of the public will have access and a means to participate in this Committee meeting with two-way communication by entering the URL address <https://us02web.zoom.us/j/89224315453> or calling:

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+1 646 558 8656 US (New York) and entering meeting ID: 892 2431 5453

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AGENDA

(Brumley, Graham, Jackson Loss, and Ramsbacher)

1. Call meeting to order.
2. Approve minutes from the June 6, 2020, Professional Development Committee meeting.
3. Discussion and possible action regarding the completion of the requirements for the Alternative Method of Examining Competency (AMEC) program participants. The following persons request review of their portfolios and approval for full licensure: Queen Dash, Leticia Sosa, and Russell Wyatt.
4. Discussion and possible action regarding the Board's jurisprudence examination.
5. Items for consideration for future committee meeting agendas.
6. Public comment.
7. Set next committee meeting date(s).
8. Adjourn meeting.

This meeting is open to the public. No reservations are required and there is no cost to attend this meeting.

CONTACT: Sarah Faszholz, Board Administrator
Texas State Board of Social Worker Examiners
general@bhec.texas.gov

Texas State Board of Social Worker Examiners
RULES COMMITTEE MEETING BY VIDEOCONFERENCE
Tuesday, January 5, 2021, at 1:15 PM
Or upon adjournment of the Professional Development Committee meeting
333 Guadalupe, Suite 3-900, Austin, Texas 78701

Due to Governor Greg Abbott's March 13, 2020, proclamation of a state of disaster affecting all counties in Texas in response to the Coronavirus (COVID-19) and the Governor's March 16, 2020, suspension of certain provisions of the Texas Open Meetings Act, this Committee meeting will be held by videoconference. Members of the public will have access and a means to participate in this Committee meeting with two-way communication by entering the URL address <https://us02web.zoom.us/j/89224315453> or calling:

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AGENDA

(Mosier, Morris, and Ramsbacher)

1. Call meeting to order.
2. Approve minutes from the June 6, 2020, Rules Committee meeting.
3. Discussion and possible action regarding public comment on proposed rules and recommendations to the Texas Behavioral Health Executive Council (Executive Council) concerning adoption of 22 Texas Administrative Code (22 TAC):
 - A. §781.420 Licensing of Persons with Criminal Convictions (published in the November 13, 2020 *Texas Register* [45 TexReg 8097]) and
 - B. Supervision plans: §§781.102 Definitions, 781.302 The Practice of Social Work, 781.401 Qualifications for Licensure, 781.402 Clinical Supervision for LCSW and Non-Clinical Supervision for Independent Practice Recognition, 781.403 Independent Practice Recognition (Non-Clinical), 781.404 Recognition as a Council-approved Supervisor and the Supervision Process, and 781.406 Required Documentation of Qualifications for Licensure (published in the December 4, 2020 *Texas Register* [45 TexReg 8707]).

4. Discussion and possible action concerning changes to 22 TAC §781.803 related to Severity Levels and striking reference to section that has been repealed.
5. Discussion and possible action concerning change to 22 TAC §781.312 concerning Licensees and the Council, which requires licensee to report any and all employment setting changes to the Council within 30 days and to 22 TAC §781.805 regarding Schedule of Sanctions, which imposes disciplinary action upon licensee who fails to report name or address change to the Council within 30 days.
6. Items for consideration for future committee meeting agendas.
7. Public comment.
8. Set next committee meeting date(s).
9. Adjourn meeting.

This meeting is open to the public. No reservations are required and there is no cost to attend this meeting.

CONTACT: Sarah Faszholz, Board Administrator
Texas State Board of Social Worker Examiners
general@bhec.texas.gov

Texas State Board of Social Worker Examiners
BOARD MEETING BY VIDEOCONFERENCE
Tuesday, January 5, 2021, at 2:00 PM
Or upon adjournment of the Rules Committee meeting
333 Guadalupe, Suite 3-900, Austin, Texas 78701

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AGENDA

(Brumley, Graham, Jackson Loss, Morris, Mosier, Ramsbacher, Rodgers, and Saenz-Davila)

1. Call meeting to order.
2. Approval of minutes of the September 11 and October 12, 2020, Board meetings.
3. Discussion and possible action regarding Board's ethics/complaint functions:
 - A. First Quarter Status Report from Board Administrator, discussion, and possible action.
 - B. First Quarter Compliance Report from Board Administrator, discussion, and possible action.
 - C. Update from Board Attorney on cases for which disciplinary action is recommended or are awaiting Informal Conferences or State Office of Administrative Hearings (SOAH); discussion and possible action.
 - D. Items for consideration for future Ethics Committee meeting agendas.
4. Discussion and possible action regarding Licensing Standards and Qualification Committee:
Licensing Standards and Qualification Committee meeting — January 5, 2021
 - Number of cases reviewed,

- Number of cases approved,
 - Number of cases denied,
 - Number of cases tabled, and
 - Items for consideration for future Licensing Standards and Qualification Committee meeting agendas.
5. Discussion and possible action regarding Professional Development Committee:
- Professional Development Committee meeting — January 5, 2021*
- Discussion and possible action regarding the Alternative Method of Examining Competency (AMEC) program participants.
 - Discussion and possible action regarding the Board’s jurisprudence examination.
 - Items for consideration for future Professional Development Committee meeting agendas.
6. Discussion and possible action regarding Rules Committee:
- Rules Committee meeting — January 5, 2021*
- Discussion and possible action regarding public comment on proposed rules and recommendations to the Texas Behavioral Health Executive Council (Executive Council) concerning adoption of 22 Texas Administrative Code (22 TAC):
 - §781.420 Licensing of Persons with Criminal Convictions (published in the November 13, 2020 *Texas Register* [45 TexReg 8097]) and
 - Supervision plans: §§781.102 Definitions, 781.302 The Practice of Social Work, 781.401 Qualifications for Licensure, 781.402 Clinical Supervision for LCSW and Non-Clinical Supervision for Independent Practice Recognition, 781.403 Independent Practice Recognition (Non-Clinical), 781.404 Recognition as a Council-approved Supervisor and the Supervision Process, and 781.406 Required Documentation of Qualifications for Licensure (published in the December 4, 2020 *Texas Register* [45 TexReg 8707]).
 - Discussion and possible action concerning changes to 22 TAC §781.803 related to Severity Levels and striking reference to section that has been repealed.
 - Discussion and possible action concerning change to 22 TAC §781.312 concerning Licensees and the Council, which requires licensee to report any and all employment setting changes to the Council within 30 days and to 22 TAC §781.805 regarding Schedule of Sanctions, which imposes disciplinary action upon licensee who fails to report name or address change to the Council within 30 days.
 - Items for consideration for future Rules Committee meeting agenda.
7. Discussion and possible action to elect a Vice-Chair of the Texas State Board of Social Worker Examiners pursuant to 22 Texas Administrative Code §781.207, Elections.
8. Discussion and possible action to re-elect or replace professional member delegate to the Texas Behavioral Health Executive Council per Texas Occupations Code §507.051, Timothy M. Brown, M.S.W., LCSW, whose term as delegate expires February 1, 2021 per 22 TAC §881.4 concerning Council Member Terms.
9. Discussion and possible action concerning composition boards.
10. Discussion and possible action regarding order for final action in the following case:
1072-17-0042 TB.
11. Report from the Board Chair and update concerning current challenges and accomplishments; interaction with stakeholders, state officials, and staff; committee appointments and functions;

workload of Board Members; and general information regarding the routine functioning of the Board.

- Discussion and possible action regarding the utilization and function of all Board Committees and their future meetings: e.g., Ethics Committee, Licensing Standards and Qualification Committee, Professional Development Committee, and Rules Committee.
12. Report from Board Administrator concerning operations of the Texas Behavioral Health Executive Council, including program operations, organization, and staffing; workload processing and statistical information; status of rulemaking; customer service accomplishments, inquiries, and challenges; media, legislative, and stakeholder contacts and concerns; special projects assigned to staff; and general information regarding the routine functioning of the program.
 13. Public Comment.
 14. Schedule next meeting(s).
 15. Items for consideration for future committee and Board meeting agendas.
 16. Adjourn meeting.

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CONTACT: Sarah Faszholz, Board Administrator
Texas State Board of Social Worker Examiners
general@bhec.texas.gov

Texas State Board of Social Worker Examiners
January 5, 2021 Board Meeting –
§781.420 Licensing of Persons with Criminal Convictions

Proposed rules published in July 17, 2020 *Texas Register* [[45 TexReg 4938](#)] were withdrawn on October 30, 2020.

Proposed rules were published in November 13, 2020 *Texas Register* [[45 TexReg 8097](#)]

§781.420 Licensing of Persons with Criminal Convictions

The following felonies and misdemeanors directly relate to the duties and responsibilities of a licensee:

- (1) offenses listed in Article 42A.054 of the Code of Criminal Procedure;
- (2) a sexually violent offense, as defined by Article 62.001 of the Code of Criminal Procedure;
- (3) any felony offense wherein the judgment reflects an affirmative finding regarding the use or exhibition of a deadly weapon;
- (4) any criminal violation of Chapter 505 (Social Work Practice Act) of the Occupations Code;
- (5) any criminal violation of Chapter 35 (Insurance Fraud) or Chapter 35A (Medicaid Fraud) of the Penal Code;
- (6) any criminal violation involving a federal health care program, including 42 USC Section 1320a-7b (Criminal penalties for acts involving Federal health care programs);
- (7) any offense involving the failure to report abuse or neglect;
- (8) any state or federal offense not otherwise listed herein, committed by a licensee while engaged in the practice of social work;
- (9) any criminal violation of Section 22.041 (abandoning or endangering a child) of the Penal Code;
- (10) any criminal violation of Section 21.15 (invasive visual recording) of the Penal Code;
- (11) any criminal violation of Section 43.26 (possession of child pornography) of the Penal Code;
- (12) any criminal violation of Section 22.04 (injury to a child, elderly individual, or disabled individual) of the Penal Code;
- (13) three or more drug or alcohol related convictions within the last 10 years, evidencing possible addiction that will have an effect on the licensee's ability to provide competent services; and
- (14) any attempt, solicitation, or conspiracy to commit an offense listed herein.

Public Comment

From: Yahoo [redacted]
Sent: Saturday, November 14, 2020 9:32 AM
Subject: Criminal Convictions Proposed

This appears to be in line with accepted previous practices for the profession.

Best,
Miriam Nisenbaum, LMSW, ACSW
Principal Nisenbaum and Associates
www.Nisenbaumandassociates.com
Field of Practice Lecturer-School of Social Work Texas State University
[redacted]

From: Adcock Teresa [redacted]
Sent: Monday, December 7, 2020 1:28 PM
Subject: Comments - rules concerning 22 TAC 781.420, licensing of persons with criminal convictions in the Texas Register [[45TexReg 8097](#)].

Texas State Board of Social Worker Examiners
January 5, 2021 Board Meeting –
§781.420 Licensing of Persons with Criminal Convictions

Good afternoon Ms. Skiff. I am attaching my concerns to the proposed rules concerning 22 TAC 781.420, licensing of persons with criminal convictions in the Texas Register [45TexReg 8097]. I hope to receive feedback, but I do realize how busy everyone is. Stay safe, thank you for your time.

Teresa Adcock, LMSW

Social Worker

HCA Houston Healthcare Kingwood

M 346-616-7570 F 281-348-8655 O 281-348-8681

22999 US Hwy 59 N, Kingwood, TX, 77339

[redacted] HCAHoustonHealthcare.com

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ATTACHMENT:

December 7, 2020

Via: Rules@bhec.texas.gov

BHEC

Ms. Brenda Skiff

222 Guadalupe Street, Suite 3-900

Austin, Texas 78701

Dear Ms. Skiff,

My name is Teresa Ann Adcock, license 61370 as a LMSW. I wanted to speak with you concerning the proposed rules concerning 22 TAC 781.420, licensing of persons with criminal convictions in the Texas Register [45TexReg 8097]. This proposed rule will affect me personally and I am fighting for my career, the work I have been able to do as a social worker and the lives I have been able to assist. Prior to receiving my license in 2015 as a LMSW, I provided documentation as to my criminal background, met with the board at the time in person and we discussed my application. At the state board meeting, I was approved to sit for my exam and move forward with my career in 2015.

My criminal convictions are included in my file with the previous board. I have convictions for theft, credit card abuse, and bank fraud. I have served time for these convictions in my thirties and late forties, which includes incarcerations in state jail and a federal facility in Bryan, Texas. After my release, I began my education and worked with autistic children at a school using behavior modification. The medical director was aware of my background, mentored and closely watched my interactions with children and staff. It was during this time that I worked with a social worker to help a family with their sons eating problems. Social work was something I knew I wanted to do and I changed my degree plan.

I attended University of Houston Downtown and received by Bachelor of Social Work, applied to University of Houston Graduate College of Social Work and graduated in 2015. In 2011 have worked with homeless veterans as an intake worker and eventually managed a housing program through the VA for these veterans. I managed a large budget, was responsible for purchasing work necessities for the veterans to attend trade school, and began my clinical supervision towards a LCSW. I was also a team lead for the SSVF program to assist veterans with obtaining housing in the community. This work included submitting payment vouchers for security deposits. My job included delivering these checks to the individuals or apartment complexes.

I wanted to make a change in my work and decided to apply for a social work position at Houston Hospice. During college, I took classes in grief and bereavement, end of life, and felt a connection with it. My mother passed away in 2013 and I felt a pull in this direction for my career. I worked with Houston Hospice and learned that I had a unique talent for this work. My supervisor and I worked closely; I was able to help families and patients during this very difficult time. My caseload became large, I was working 18-hour days, and I was not able to continue this pace. After working with another hospice company, Silverado Hospice, I decided that I would like hospital social work experience and I began working there in May of 2019. I have completed my clinical supervision and am going to reapply for the test, but the decision to move forward hinges on the new rule.

I work at HCA Kingwood hospital in ICU, ICC and trauma services. My compassion, experience with end of life and my love of providing resources and care to families, has made this a perfect fit. In a few weeks, I will begin a new position as the dedicated hospital social worker dedicated to palliative and hospice care. This feels like a culmination of my experience since 2011 to arrive at my intended place. I am and advocate for my patients, families and staff.

During all of this time, I have not had any concerns or issues with reoffending. I have successfully built a productive life, contribute to society, regained my right to vote. The value I have added to every organization that I have worked is well documented. I am proud to be a social worker, I love the work and I feel it as at risk with the new proposed rule of losing it all. While I am acutely aware that recidivism is high for offenders, I have proven that I have worked hard with my counselors to address the reasons for my crimes. To say I am ashamed of my background is an understatement.

The board action to this rule is a terrible step in Texas for currently licensed social workers. People do change, and I cannot imagine not being able to work as a social worker in Texas. I am not the only social worker that will be impacted by this rule. This rule will affect the number of social workers in Texas. It is a difficult field that has a high burnout rate, long hours, low salary for our education and those that are in the field want to be there.

Texas State Board of Social Worker Examiners
January 5, 2021 Board Meeting –
§781.420 Licensing of Persons with Criminal Convictions

I love social work and want to continue. Please either provide an opportunity for those seasoned social workers, with a criminal conviction, an individual review of their case or grandfather them into the new rule. I am grateful for the BHEC and the new directions that are being addressed, it is very much needed. However, I hope that you consider this humble request to allow those of us with criminal convictions, which have been licensed and are successful in practice, to continue our work.

Respectfully,

Teresa Ann Adcock LMSW
[redacted]
713-385-3505

Texas State Board of Social Worker Examiners
January 5, 2021 Rules Committee and Board Meeting –
§§781.102, 781.302, 781.401-781.404, 781.406 regarding Supervision Plans

Proposed rules were published in December 4, 2020 *Texas Register* [[45 TexReg 8707](#)]

OVERVIEW AND EXPLANATION OF THE PROPOSED RULE. The proposed amended rule, in conjunction with other rule amendments published in this edition of the Texas Register, will no longer require the preapproval of a supervision plan in order to accrue supervised experience required for the issuance of a license as a clinical social worker (LCSW) or for independent practice recognition for a baccalaureate social worker (LBSW) or a master social worker (LMSW). Supervised experience will still be required, at the same requisite level that is currently in place, but documentation of the required supervised experience will now only be submitted to the Executive Council when the applicant is applying for either the LCSW or independent practice recognition. The Executive Council anticipates the proposed amendment will address the backlog of applications and expedite future applications received.

§781.102 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) – (39) (No changes.)

(40) LMSW-AP--Licensed Master Social Worker with the Advanced Practitioner specialty recognition for non-clinical practice. This specialty recognition will no longer be conferred after September 1, 2017. Licensees under a [~~Council-approved~~] supervision plan for this specialty recognition before September 1, 2017 will be permitted to complete supervision and examination for this specialty recognition.

(41) – (49) (No changes.)

(50) Supervision--Supervision includes:

(A) – (B) (No changes.)

(C) clinical supervision of a Licensed Master Social Worker, who is providing clinical services and is under a [~~Council-approved~~] supervision plan to fulfill supervision requirements for achieving the LCSW; a Licensed Clinical Social Worker who is a Council-approved supervisor delivers this supervision;

(D) – (E) (No changes.)

(51) – (53) (No changes.)

§781.302 The Practice of Social Work

(a) – (b) (No changes.)

(c) Practice of Master's Social Work--Applying social work theory, knowledge, methods and ethics and the professional use of self to restore or enhance social, psychosocial, or bio-psychosocial functioning of individuals, couples, families, groups, organizations and communities. An LMSW may practice clinical social work in an agency employment setting under clinical supervision, under a [~~Council-approved~~] supervision plan, or under contract with an agency when under a [~~Council-approved~~] clinical supervision plan. Master's Social Work practice may include applying specialized knowledge and advanced practice skills in assessment, treatment, planning, implementation and evaluation, case management, mediation, counseling, supportive counseling, direct practice, information and referral, supervision, consultation, education, research, advocacy, community organization and developing, implementing and administering policies, programs and activities. An LMSW may engage in Baccalaureate Social Work practice.

(d) – (f) (No changes.)

(g) A licensee who is not recognized for independent practice or who is not under a [~~Council-approved~~] non-clinical supervision plan must not engage in any independent practice that falls within the definition of social work practice in §781.102 of this title (relating to Definitions) without being licensed and recognized by the Council, unless the person is licensed in another profession and acting solely within the scope of that license. If the person is practicing professionally under another license, the person may not use the titles "licensed clinical social worker," "licensed master social worker," "licensed social worker,"

or "licensed baccalaureate social worker," or any other title or initials that imply social work licensure unless one holds the appropriate license or independent practice recognition.

(h) (No changes.)

(i) An LBSW or LMSW who is not recognized for independent practice may practice for remuneration in a direct employment or agency setting but may not work independently, bill directly to patients or bill directly to third party payers, unless the LBSW or LMSW is under a formal [~~Council-approved~~] supervision plan.

§781.401 Qualifications for Licensure

(a) Licensure. The following education and experience is required for licensure as designated. If an applicant for a license has held a substantially equivalent license in good standing in another jurisdiction for one year immediately preceding the date of application, the applicant will be deemed to have met the experience requirement under this chapter.

(1) Licensed Clinical Social Worker (LCSW).

(A) (No changes.)

(B) Has had 3000 hours of [~~Council-approved~~] supervised professional clinical experience over a period of 24 to 48 months, or its equivalent if the experience was completed in another jurisdiction. Supervised [~~Council-approved-supervised~~] professional experience must comply with §781.404 of this title (relating to Recognition as a Council-approved Supervisor and the Supervision Process) and all other applicable laws and rules.

(C) Has had a minimum of 100 hours of [~~Council-approved~~] supervision, over the course of the 3000 hours of experience, with a Council-approved supervisor. Supervised experience must have occurred within the five calendar years immediately preceding the date of LCSW application. If the social worker completed supervision in another jurisdiction, the social worker shall have the supervision verified by the regulatory authority in the other jurisdiction. If such verification is impossible, the social worker may request that the Council accept alternate verification of supervision.

(D) (No changes.)

(2) – (3) (No changes.)

(b) Specialty Recognition. The following education and experience is required for specialty recognitions.

(1) Licensed Master Social Worker-Advanced Practitioner (LMSW-AP).

(A) (No changes.)

(B) While fully licensed as a social worker, has had 3000 hours of [~~Council-approved~~] supervised professional non-clinical social work experience over a period of 24 to 48 months, or its equivalent if the experience was completed in another jurisdiction. Supervised [~~Council-approved-supervised~~] professional experience must comply with §781.404 of this title and all other applicable laws and rules.

(C) Has had a minimum of 100 hours of [~~Council-approved~~] supervision, over the course of the 3000 hours of experience, with a Council-approved supervisor. Supervised experience must have occurred within the five calendar years immediately preceding the date of LMSW-AP application. If supervision was completed in another jurisdiction, the social worker must have the supervision verified by the regulatory authority in the other jurisdiction. If such verification is impossible, the social worker may request that the Council accept alternate verification of supervision.

(D) (No changes.)

(2) Independent Non-clinical Practice.

(A) (No changes.)

(B) While fully licensed as a social worker has had 3000 hours of [~~Council-approved~~] supervised full-time social work experience over a minimum two-year period, but within a maximum five-year period or

its equivalent if the experience was completed in another state. Supervised [~~Council-approved supervised~~] professional experience must comply with §781.404 of this title and all other applicable laws and rules.

(C) Has had a minimum of 100 hours of [~~Council-approved~~] supervision, over the course of the 3000 hours of experience, with a Council-approved supervisor. Supervised experience must have occurred within the 5 calendar years immediately preceding the date of application for IPR specialty recognition. If supervision was completed in another jurisdiction, the social worker shall have the supervision verified by the regulatory authority in the other jurisdiction. If such verification is impossible, the social worker may request that the Council accept alternate verification.

(c) (No changes.)

§781.402 Clinical Supervision for LCSW and Non-Clinical Supervision for Independent Practice Recognition

(a) (No changes.)

(b) To accrue supervised clinical experience required for the issuance of a LCSW:

(1) an LMSW shall complete a supervision plan form prescribed by the Council, or a form with substantially equivalent information, and signed by both the LMSW and the Council-approved clinical supervisor;

(2) the Council-approved clinical supervisor shall keep a supervision file on the LMSW that includes the supervision plan, list of locations where the LMSW provides supervised clinical services, and a log of clinical experience and supervision earned by the LMSW;

(3) the Council-approved clinical supervisor shall submit a completed and signed supervision verification form prescribed by the Council when the LMSW submits an application for re-categorization; and

(4) the LMSW shall submit an application for re-categorization of his or her licensure to LCSW upon fulfillment of the supervision requirements.

~~[(b)An LMSW who plans to apply for the LCSW must:]~~

~~[(1)within 30 days of initiating supervision, submit to the Council one clinical supervisory plan for each location of practice for approval by the Council or its designee;]~~

~~[(2)submit a current job description from the agency in which the social worker is employed with a verification of authenticity from the agency director or his or her designee on agency letterhead. In order for a plan to be approved, the position description or other relevant documentation must demonstrate that the duties of the position are clinical as defined in this chapter;]~~

~~[(3)submit a separate supervision verification form for each location of practice to the Council for approval within 30 days of the end of each supervisory plan with each supervisor. If the supervisor does not recommend that the supervisee is eligible to examine for LCSW, the supervisor must indicate such on the clinical supervision verification form and provide specific reasons for not recommending the supervisee. The Council may consider the supervisor's reservations as it evaluates the supervision verification submitted by the supervisee;]~~

~~[(4)submit a new supervisory plan within 30 days of changing supervisors or practice location; and]~~

~~[(5)submit an application for re-categorizing his/her licensure to Licensed Clinical Social Worker.]~~

(c) (No changes.)

(d) To accrue supervised experience required for an LBSW or an LMSW to apply for Independent Practice Recognition the LBSW or LMSW shall:

(1) complete a supervision plan form prescribed by the Council, or a form with substantially equivalent information, and signed by both the LBSW or LMSW and the Council-approved supervisor;

(2) the Council-approved supervisor shall keep a supervision file on the LBSW or LMSW that includes

the supervision plan, list of locations where the LBSW or LMSW provides supervised services, and a log of experience and supervision earned by the LBSW or LMSW;

(3) the Council-approved supervisor shall submit a completed and signed supervision verification form prescribed by the Council when the LBSW or LMSW submits an application for Independent Practice Recognition; and

(4) submit an application for Independent Practice Recognition upon fulfillment of the supervision requirements.

~~[(d)An LBSW or an LMSW who plans to apply for the Independent Practice Recognition must:]~~

~~[(1)submit one supervisory plan to the Council for each location of practice for approval by the Council or its designee within 30 days of initiating supervision;]~~

~~[(2)submit a current job description from the agency in which the social worker is employed with a verification of authenticity from the agency director or his or her designee on agency letterhead or submit a copy of the contract or appointment under which the LBSW or LMSW intends to work, along with a statement from the potential supervisor that the supervisor has reviewed the contract and is qualified to supervise the LBSW or LMSW in the setting;]~~

~~[(3)submit a separate supervision verification form for each practice location to the Council within 30 days of the end of each supervisory plan with each supervisor. If the supervisor does not recommend that the supervisee is eligible for independent practice recognition, the supervisor must provide specific reasons for not recommending the supervisee. The Council may consider the supervisor's reservations as it evaluates the supervision verification that the supervisee submits; and]~~

~~[(4)submit a new supervisory plan within 30 days of changing supervisors or practice location.]~~

~~(e) (No changes.)~~

(f) This rule shall apply to all pending applications, supervision plans awaiting review or previously approved, as well as all future applications filed with the Council.

§781.403 Independent Practice Recognition (Non-Clinical)

~~(a) An LBSW or LMSW who seeks to obtain [Council approval for] the specialty recognition of independent non-clinical practice shall meet requirements and parameters set by the Council in §781.401 of this title (relating to Qualifications for Licensure).~~

~~(b) – (f) (No changes.)~~

~~(g) An LBSW or LMSW may practice independently when the LMSW or LBSW holds the independent practice specialty recognition, or when under a supervision plan for independent practice but the Council-approved supervisor is still responsible for the acts or omissions of the supervisee while providing services under the supervision plan [that has been approved by the Council].~~

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

~~(a) Types of supervision include:~~

~~(1) – (2) (No changes.)~~

~~(3) clinical supervision of a Licensed Master Social Worker, who is providing clinical services and is under a [Council-approved] supervision plan to fulfill supervision requirements for achieving the LCSW; a Licensed Clinical Social Worker who is a Council-approved supervisor delivers this supervision;~~

~~(4) – (6) (No changes.)~~

~~(b) A person who wishes to be a Council-approved supervisor must file an application and pay the applicable fee.~~

~~(1) – (9) (No changes.)~~

~~(10) A Council-approved supervisor who wishes to provide any form of supervision [Council-approved]~~

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or Council-ordered supervision must comply with the following:

(A) – (C) (No changes.)

(D) Before entering into a supervisory plan [~~agreement~~], the supervisor shall be aware of all conditions of exchange with the clients served by her or his supervisee. The supervisor shall not provide supervision if the supervisee is practicing outside the authorized scope of the license. If the supervisor believes that a social worker is practicing outside the scope of the license, the supervisor shall make a report to the Council.

(E) – (P) (No changes.)

(Q) All Council-approved supervisors shall have taken a Council-approved supervision training course by January 1, 2014 in order to renew Council-approved supervisor status. The Council recognizes that many licensees have had little, if any, formal education about supervision theories, strategies, problem-solving, and accountability, particularly LBSWs who may supervise licensees toward the IPR. Though some supervisors have functioned as employment supervisors for some time and have acquired practical knowledge, their practical supervision skills may be focused in one practice area, and may not include current skills in various supervision methods or familiarity with emerging supervisory theories, strategies, and regulations. Therefore, the Council values high-quality, contemporary, multi-modality supervision training to ensure that all supervisors have refreshed their supervisory skills and knowledge in order to help supervisees practice safely and effectively.

(11) A Council-approved supervisor who wishes to provide supervision towards licensure as an LCSW or towards specialty recognition in Independent Practice (IPR) or Advanced Practitioner (LMSW-AP), which is supervision for professional growth, must comply with the following:

(A) – (C) (No changes.)

(D) The Council considers supervision toward licensure or specialty recognition to be supervision which promotes professional growth. Therefore, all supervision formats must encourage clear, accurate communication between the supervisor and the supervisee, including case-based communication that meets standards for confidentiality. Though the Council favors supervision formats in which the supervisor and supervisee are in the same geographical place for a substantial part of the supervision time, the Council also recognizes that some current and future technology, such as using reliable, technologically-secure computer cameras and microphones, can allow personal face-to-face, though remote, interaction, and can support professional growth. Supervision formats must be clearly described in the supervision plan, explaining how the supervision strategies and methods of delivery meet the supervisee's professional growth needs and ensure that confidentiality is protected. [~~The plan must be approved by the Council.~~]

(E) – (G) (No changes.)

(H) Supervised [~~Council approved supervised~~] professional experience required for [~~towards~~] licensure must comply with §781.401 of this title (relating to Qualifications for Licensure) and §781.402 of this title (relating to Clinical Supervision for LCSW and Non-Clinical Supervision for LMSW-AP and Independent Practice Recognition) of this title and all other applicable laws and rules.

(12) (No changes.)

~~[(c) A licensee who submits one of the following: a Clinical Supervision Plan, a Non-Clinical Supervision Plan, or a Council-Ordered Supervision Plan, to the Council for approval, shall receive a written response from the Council of either approval or deficiency related to the plan. If no written response is received by the licensee within four weeks of submission of the plan, it is the responsibility of the licensee who has submitted the plan to follow up with the Council office related to receipt and/or status of the plan within 60 days of submission. If written approval or deficiency is sent to the last known address of the licensee, a~~

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~~Council response related to acceptance of the plan shall be considered to have been sent. Supervision and supervised experience hours are not acceptable to meet minimum requirements towards licensure or specialty recognition or to satisfy the terms of a Council order if not accrued under a Council approved plan without explicit authorization from the Council.]~~

§781.406 Required Documentation of Qualifications for Licensure

(a) – (b) (No changes.)

(c) Experience verification.

(1) An applicant's experience for licensure or for specialty recognition must meet the requirements of §781.401 of this title (relating to Qualifications for Licensure), §781.402 of this title (relating to Clinical Supervision for LCSW and Non-Clinical Supervision for ~~[LMSW-AP and]~~ Independent Practice Recognition), and §781.404 of this title (relating to Recognition as a Council-approved Supervisor and the Supervision Process). The applicant must document the names and addresses of supervisors; beginning and ending dates of supervision; job description; and average number of hours of social work activity per week. The applicant must further document the appropriate supervision plan and verification form~~[, both approved by the Council, for each practice location. If any elements described in the supervision plan change, including but not limited to work hours, full or part time work status, location of supervision, or name of supervisor, the applicant must submit the appropriate verification form within 30 days of the change or supervision termination. The applicant must submit a new, complete supervision plan for Council approval within 30 days of beginning the new supervision agreement].~~

(2) – (4) (No changes.)

Public Comment

Public Comment period ends January 4, 2021

As of 12/28/2020 the following public comments have been received:

From: Thibodeaux, Kelsey D. <[REDACTED]>
Sent: Wednesday, December 9, 2020 10:40 AM
To: rules <rules@bhec.texas.gov>
Subject: Public comment

Will the approved supervised plans be honored for those of us that have already submitted them? I am finishing the program in May and sent my supervision plan almost 2 years ago.

Kelsey

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From: Neathery Thurmond, LCSW-S, CGP <[REDACTED]>
Sent: Wednesday, December 9, 2020 11:30 AM
To: rules <rules@bhec.texas.gov>
Subject: TX SW supervision comment

Hello,

I am a social worker and supervisor (#59734) and highly recommend more ease in supervisees submitting their clinical supervision form. The supervisor should be the judge on what qualifies as clinical work and the supervisee should not need board approval of a plan.

Thank you,
Neathery (rhymes with Feathery)Thurmond, LCSW-S, CGP
EMDR Trained
she/they

Licensed Clinical Social Worker ~ Certified Group Psychotherapist ~ Board Approved Supervisor
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915.549.6660

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From: Erin Fassnacht <[Redacted] >
Sent: Wednesday, December 9, 2020 4:17 PM
To: rules <rules@bhec.texas.gov>
Subject: in support of changing pre-approval requirements

Hello,

I am a LCSW-S and am emailing to say I very much support removing this added step of getting pre-approval from the Board - 22 TAC §§781.102, 781.302, 781.401 – 781.404, and 781.406, regarding supervision plans, in the *Texas Register* [45 TexReg 8707].

By doing so, the process becomes more streamlined and the board is freed up to do different work.

Thank you for your time,
Erin Fassnacht

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Erin Fassnacht, LCSW-S
Phone: 512-815-2521
[Simple Practice Client Portal](#)
lifewithbabyworkbook.com

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From: Carly Bassett <[REDACTED]>
Sent: Thursday, December 10, 2020 8:28 PM
To: rules <rules@bhec.texas.gov>
Subject: Public Comment for Proposed Rule Concerning Supervision Plans

Re: Proposed rule change to Title 22 of the Texas Administrative Code (22 TAC), §§781.102, 781.302, 781.401 – 781.404, and 781.406, concerning supervision plans.

As an LCSW-S, I am in favor of the rule change concerning supervision plans. The current rules require approval of plans by the council, and unfortunately, licensees have been forced to wait more than 6 months to hear back from the council about the status of their plans, if at all. This is unacceptable and must be remedied for licensed social workers. The backlog not only impacts licensees, their career paths, and ability to seek and retain employment, but it also restricts the ability to provide services to clients and citizens of Texas. At a time when Texas lacks mental health providers and resources for delivery of services, it is imperative licensees who would otherwise be eligible to work in a clinical capacity, are not held back solely due to bureaucratic ineptitude.

Carly Bassett, LCSW-S
407 West Main Street, Round Rock TX 78664
(512)660-7789

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Rule: [781.803](#). Severity Levels.

Action: Proposed Amendment

Reasoning: Former rule [781.806](#) has now been repealed; therefore, the reference to this rule found in 781.803(4) is unnecessary and should be repealed.

781.803. Severity Levels. The following are severity levels for the schedule of sanctions.

- (1) Level One--Revocation of license. These violations evidence the licensee's intentional or gross misconduct, cause or pose a high degree of harm to the public, and/or require severe punishment to deter the licensee, or other licensees. The fact that a license is ordered revoked does not necessarily mean the licensee can never regain licensure. The Council may also impose an administrative penalty of not less than \$250 or more than \$5,000 for each Level One violation. Each day a violation continues or occurs is a separate violation for the purpose of imposing a financial penalty.
- (2) Level Two--Extended suspension of license. These violations involve less misconduct, harm, or need for deterrence than Level One violations, but require suspension of licensure for a period of not less than one year. The Council may also impose an administrative penalty of not less than \$250 or more than \$4,000 for each Level Two violation. Each day a violation continues or occurs is a separate violation for the purpose of imposing a penalty.
- (3) Level Three--Moderate suspension of license. These violations involve less misconduct, harm, or need for deterrence than Level Two violations, but require suspension of licensure for some period of time. The Council may also impose an administrative penalty of not less than \$250 or more than \$3,000 for each Level Three violation. Each day a violation continues or occurs is a separate violation for the purpose of imposing a penalty.
- (4) Level Four--Probated suspension of license. These violations do not involve enough harm, misconduct, or need for deterrence to warrant suspension of licensure, yet are severe enough to warrant monitoring of the licensee to ensure future compliance. ~~[Possible probationary terms are set out as in §781.806 of this title (relating to Probation) and may be ordered as appropriate.]~~ The Council may also impose an administrative penalty of not less than \$250 or more than \$2,000 for each Level Four violation. Each day a violation continues or occurs is a separate violation for the purpose of imposing a penalty.
- (5) Level Five--Reprimand. These violations involve minor misconduct not directly involving the health, safety or welfare of the particular member of the public at issue. The Council may also impose an administrative penalty of not less than \$250 or more than \$1,000 for each Level Five violation. Each day a violation continues or occurs is a separate violation for the purpose of imposing a penalty.

Rule: [781.312](#). Licensees and the Council.

Action: Proposed Amendment

Comment: The proposed repeal of subsection (c) of this rule because the reporting of any and all employment setting changes by licensees to the Council and is no longer necessary.

781.312. Licensees and the Council.

(a) Any person licensed as a social worker is bound by the provisions of the Act and this chapter and Council rules and statutes.

(b) A social worker shall report alleged misrepresentations or violations of this chapter to the Council.

~~(c) The licensee shall report any and all employment setting changes to the Council within 30 days.~~

Rule: [781.805](#). Schedule of Sanctions.

Action: Proposed Amendment

Comment: The proposed amendment is due to changes made in Board §781.312(c)

781.805. Schedule of Sanctions. The following standard sanctions shall apply to violations of the Act and these rules.

-Figure 22 TAC §781.805

DISCIPLINARY ACTIONS (*reported to the National Practitioner Databank*)

Level 5: Reprimand (Administrative Penalty: not less than \$250; no more than \$1,000 per day)

- _____ Failure to inform consumer of all required items, provide a written explanation of treatment and charges (§§781.301(6); 781.303(7); 781.304(a); 781.309(5); and 781.313(b))
- _____ Failure to discourage others from making exaggerated or false claims (§781.304(i))
- _____ Failure to protect individual from harm resulting from individual or group setting (§781.304(o))
- _____ Failure to inform client about testing as part of treatment (§781.307(a))
- _____ Appropriate, reproduce, or modify published tests or parts thereof without publisher's permission (§781.307(b))
- ~~_____ Failure to report name or address change to the Council within 30 days of change (§781.312(e))~~
- _____ Failure to set and maintain proper supervisor-supervisee relationship (§781.404(b)(10)(E) and (L))
- _____ Failure to ensure supervisee knows of, and complies with, all Council rules (§781.404(b)(10)(K))
- _____ Failure to develop and implement written supervision remediation plan (§781.404(b)(11)(G))
- _____ Failure to keep accurate records, keep records for appropriate retention period (§§781.304(f); 781.309(1) and (4))
- _____ Failure to assess proper fee(s), maintain accurate billing records (§§781.304(g); 781.310(d))
- _____ Failure to establish a plan for custody of records when professional services cease (§781.309(3))
- _____ Failure to maintain written release of information in permanent record, review and update (§781.311(e))
- _____ Failure to maintain and timely submit accurate supervised experience records (§781.404(b)(10)(A))
- _____ Make misleading, exaggerated, or false claims (§§781.301(2); 781.304(h); 781.306(a) and (b); 781.316(a), (c), and (d))
- _____ Failure to base all services on an assessment, evaluation or diagnosis of the client; evaluate client's condition without personally interviewing client or disclosing that a personal interview has not been completed (§§781.301(5); 781.303(3))
- _____ Failure to maintain client confidentiality except when disclosure is prescribed by statute or Council rules (§§781.301(7); 781.309(6); 781.311(b) and (g))

- _____ Failure to set and maintain professional boundaries and avoid dual relationships (§§781.301(8); 781.304(e), (l), and (q))
- _____ Failure to evaluate a client's progress on a continuing basis to guide service delivery and make use of supervision and consultation as indicated by client's needs (§781.301(12))
- _____ Failure to inform other provider when providing concurrent therapy (§781.303(1))
- _____ Failure to obtain informed consent (or court order) with all related items (§781.303(9))
- _____ Engage in activities for personal needs or for personal gain; promotion of personal or business activities that are unrelated to the current professional relationship (§781.304(d) and (p))
- _____ Accept from or give gift to a client with a value in excess of \$25.00 (§781.304(m))
- _____ Failure to comply with Texas Health and Safety Code concerning access to mental health records; release information only with a written permission signed by client or client guardian (§781.311(c) and (d))
- _____ Failure to report alleged violation to the Council (except sexual misconduct) (§781.312(b))
- _____ Failure to assume responsibility for human subject's emotional, physical, and social welfare when conducting research (§781.317(a))
- _____ Failure to provide written information to parties in child custody or adoption evaluations (§781.322(h)(1) and (2))
- _____ Charge or collect a fee or anything of value from employee or contract employee for supervision (§781.404(b)(10)(C))
- _____ Provide supervision to an individual who is related within the second degree of affinity or consanguinity (§781.404(b)(10)(F))
- _____ Failure to develop and update supervision plan (§781.404(b)(10)(P))
- _____ Failure to terminate non-beneficial counseling relationship; transfer client to appropriate care (§§781.301(13); 781.303(2))

Level 4: Probated Suspension (Admin Penalty: not less than \$250; no more than \$2,000 per day)

- _____ Refusing to serve a client based solely on basis of prohibited discrimination (§781.301(1))
- _____ Failure to practice within scope of competency and accepted professional standards as appropriate to client's needs (§§781.301(3), 781.302(d), (e), and (g)-(i); 781.303(4); 781.321(ff); 781.322(i))
- _____ Exploiting a position of trust with client or former client (§781.301(11))
- _____ Failure to assume responsibility for clients during bartering of services (§781.303(8))
- _____ Entering into a business relationship with a client (§781.304(c))
- _____ Failure to provide services in the context of a professional relationship (§781.304(j))
- _____ Borrowing or lending money or items of value to clients or relatives of clients (§781.304(n))
- _____ Failure to report alleged sexual misconduct to the Council (§781.305(g)(1)-(4))
- _____ Failure to administer or interpret test only with training and experience (§781.307(c))
- _____ Failure to retain and dispose of client records in ways that maintain confidentiality (§781.309(2))
- _____ Knowingly or flagrantly overcharging; bill for improper, unreasonable or unnecessary services (§781.310(c) and (e))

- _____ Failure to report information concerning abuse or neglect of minors, elderly, or disabled; report exploitation by a mental health services provider (§781.311(f)(1-4))
- _____ Failure to ensure subject's identity and confidentiality when obtaining data from a professional relationship for purposes of research (§781.317(b))
- _____ Providing therapy or any other type of service, including but not limited to a child custody evaluation or parenting facilitation, in the same case (§§781.320(e); 781.321(d); 781.322(f))
- _____ Failure to supervise only supervisees within scope of competency (§781.404(b)(1))
- _____ Failure to clearly indicating services, licensure category, and that supervisee is under supervision on billing documentation (§781.404(b)(10)(H))
- _____ Failure to address issues outlined in Council ordered supervision (§781.404(b)(12)(B))

Level 3: Suspension (less than a year, Admin Penalty: not less than \$250; no more than \$3,000 per day)

- _____ Practice while impaired by alcohol or drugs or use any illegal drug; promote, encourage, or concur in the illegal use or possession of alcohol or drugs (§§781.301(10) and 781.308)
- _____ Offer to pay or agree to accept any remuneration for securing or soliciting clients or patronage (§§781.304(b); 781.310(a) and (b))
- _____ Provide expert opinion or recommendation without conducting appropriate child custody evaluation (§781.322(g))
- _____ Failure to maintain qualifications of supervisory status while providing supervision (§781.404(b)(9))
- _____ Provide supervision without having met all requirements for current, valid Council-approved supervisor status (§781.404(b)(10)(J))
- _____ Failure to inform all supervisees of termination of supervisor status and help them to find alternate supervision (§781.404(b)(10)(M))

Level 2: Suspension (one year or more, Admin Penalty: not less than \$250; no more than \$4,000 per day)

Level 1: Revocation (Admin Penalty: not less than \$250; no more than \$5,000 per day)

- _____ Engage in sexual misconduct; therapeutic deception (§§781.301(9); 781.305(b) and (c))
- _____ Aid or abet unlicensed practice (§781.303(5))
- _____ Participate in falsifying documents submitted to the Council (§781.303(6))
- _____ Continue to supervise or fail to refund all supervisory fees paid after termination or expiration of supervisor status (§781.404(b)(10)(N) and (O))