

TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS

AGENDA

**Full Board Meeting
Friday, February 12, 2021
333 Guadalupe, Suite 3-900
Austin, Texas 78701**

Due to Governor Greg Abbott's March 13, 2020 proclamation of the state of disaster affecting all counties in Texas due to the Coronavirus (COVID-19) and the Governor's March 16, 2020 suspension of certain provisions of the Texas Open Meetings Act, the February 12, 2021 meeting of the Texas State Board of Examiners of Professional Counselors will be held by videoconference call, as authorized under Texas Government Code section §551.127. There will be no physical meeting location open to the public so long as the disaster declaration is in effect.

Members of the public will have access and a means to participate in this meeting, by two-way communication, by entering the URL address <https://us02web.zoom.us/j/89692428562> or by calling 346-248-7799 and entering webinar ID **896 9242 8562**. An electronic copy of the agenda will be made available at www.bhec.texas.gov prior to the meeting.

For public participants, once the public comment item is reached on the agenda, board staff will ask those joining by computer to use the "raise hand" feature to indicate who would like to participate in public comment. Individuals who raise their hand will be unmuted and called on one-by-one to give public comment. Once all individuals with raised hands have been given an opportunity to make public comment, the individuals appearing by telephone will be unmuted and called on by name or the last four digits of their phone number and asked whether they would like to make public comment. When making public comment, please identify yourself and if you are speaking as an individual 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 via email to General@bhec.texas.gov in advance of the meeting. Written public comments will be submitted to board members for their consideration during the meeting and will not be read aloud.

Texas State Board of Examiners of Professional Counselors Full Board Agenda for February 12, 2021 at 9:00 a.m.

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

1. Call to Order.
2. Introduction of members and staff.
3. Discussion and possible action concerning approval of minutes from the November 6, 2020 and December 8, 2020, Board meetings.
4. Discussion and possible action regarding continuation of meeting minutes for recorded meetings.
5. Discussion of Executive Order on Increasing Economic and Geographic Mobility.
6. Board review and possible action regarding Application Denial(s).

7. Discussion and possible action regarding petition related to §681.13.
8. Discussion and possible action regarding petition related to §681.91.
9. Discussion and possible action regarding petition related to §681.92.
10. Discussion and possible action, regarding orders from first quarter to be executed by Board Chair.
11. Report of orders from first quarter executed by Council Executive Director.
12. Updated reports regarding Annual Enforcement Actions, Complaint Dismissals, and Status Report for first quarter.
13. Discussion and possible action concerning Committee Reports:
 - A. Professional Development Committee Report related to proposed updates to the Jurisprudence Exam and review of exam feedback.
 - B. Rules Committee Report regarding proposed changes to board rules;
 - i. §681.2
 - ii. §681.72
 - iii. §681.73
 - iv. §681.82
 - v. §681.83
 - vi. §681.114
14. Texas Behavioral Health Executive Council updates.
15. 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.
16. Board Administrator Report concerning program operations; customer service accomplishments and challenges; workload processing; and general information regarding the routine functioning of the licensure program.
17. Operations Manager Report and update, including unit organization and staffing; customer service accomplishments and challenges; workload processing and general information regarding the routine functioning of the program.
18. Council Executive Director Report regarding legislation updates.
19. Discussion and possible action related to State Office of Administrative Hearings (SOAH) cases.
20. Public comment.
21. Items for consideration for future committee and Board meeting agendas.
22. Announcements and comments not requiring Board action, such as statements regarding conferences, future board meetings, and other recent or upcoming events.

23. Adjournment.

Discussion, deliberation, and action may be taken on any of the listed agenda items. The committee may exercise its option to go into executive session on any agenda item in accordance with the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapter D. An individual who wishes to speak on an issue that falls under the committee's jurisdiction may be heard during the Public Comment agenda item. The Chair may establish and announce limitations on speakers, including time limits and when speakers may address the committee.

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

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, EMAIL: General@bhec.texas.gov, TTY/RELAY TEXAS: 711 or 1-800-RELAY TX.

**TEXAS STATE
BOARD OF
EXAMINERS OF
PROFESSIONAL
COUNSELORS**



3A

MEMBERS OF THE BOARD

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

Cristina De Luna
Executive Director

**MEETING MINUTES
November 6, 2020**

The Texas State Board of Examiners of Professional Counselors Meeting met via Zoom video conference on November 6, 2020. The following Board members were in attendance: Steven Hallbauer-Chair, Dr. Christopher Taylor-Vice Chair, Dr. Loretta Bradley, Brenda Compagnone, Dr. Jodie Elder, Vanessa hall, Garrett Nerren, Roy Smith, Janie Stubblefield. Also, in attendance was Cristina De Luna, Executive Director of LPC.

Friday, November 6, 2020

- 1.The meeting was called to order at 9:05 p.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 JANIE STUBBLEFIELD AND SECONDED BY DR. CHRISTOPHER TAYLOR TO APPROVE THE MINUTES OF THE SEPTEMBER 11, 2020 BOARD MEETING AS SUBMITTED. THE VOTE WAS APPROVED UNANIMOUSLY.

- 4.The Board moved into Item IV, Nomination and voting of one professional member and one public member to serve as alternates to the Behavioral Health Executive Council:

A MOTION WAS MADE BY DR. CHRISTOPHER TAYLOR AND SECONDED BY DR. LORETTA BRADLEY TO APPROVE JANIE STUBBLEFIELD AS THE PROFESSIONAL MEMBER. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY JANIE STUBBLEFIELD AND SECONDED BY DR. JODIE ELDER TO APPROVE ROY SMITH AS THE PUBLIC MEMBER. THE VOTE WAS APPROVED UNANIMOUSLY.

- 5.The Board moved into Item V, Discussion and possible action regarding recommendations and changes to Board Rules; §§681.41, 681.72, 681.83, 681.93, and 681.205, concerning Licensed Professional Counselors.

A MOTION WAS MADE BY DR. CHRISTOPHERSON TAYLOR AND SECONDED BY JANIE STUBBLEFIELD TO ACCEPT THE RECOMMENDATION AND REMOVE TERM "IMMEDIATE" IN PROPOSED LANGUAGE OF 681.41(d). THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY JANIE STUBBLEFIELD AND SECONDED BY DR. CHRISTOPHER TAYLOR TO REPLACE "WALL CERTIFICATE" WITH "ONLINE LICENSE VERIFICATION" IN PROPOSED LANGUAGE OF 681.93(a)(1)(B). THE VOTE WAS APPROVED UNANIMOUSLY.

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A MOTION WAS MADE BY JANIE STUBBLEFIELD AND SECONDED BY DR. CHRISTOPHERSON TAYLOR TO TAKE NO ACTION ON THE RECOMMENDED LANGUAGE IN 681.93(g)(3) and (h)(3). THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY DR. CHRISTOPHERSON TAYLOR AND SECONDED BY JANIE STUBBLEFIELD TO MAKE NECESSARY CHANGES TO LANGUAGE IN 681.205 BASED ON MOTIONS MADE TODAY. THE VOTE WAS APPROVED UNANIMOUSLY.

6.The Board moved into Item VI, Discussion and possible action regarding changes to Board Rule 681.73.

BOARD DIRECTED STAFF TO TABLE AND REFER TO THE RULES COMMITTEE FOR FURTHER RESEARCH AND DISCUSSION. NO MOTION WAS MADE.

7.The Board moved into Item VII, Discussion and possible action regarding changes to Board Rule 681.114.

BOARD DIRECTED STAFF TO TABLE AND SCHEDULE FOR DISCUSSION AS A FUTURE MEETING. NO MOTION WAS MADE.

8.The Board moved into Item VIII, Discussion and possible action regarding updates to the current Texas Jurisprudence Exam.

BOARD DIRECTED STAFF TO TABLE AND REFER TO THE PROFESSIONAL DEVELOPMENT COMMITTEE FOR FURTHER ACTION. NO MOTION WAS MADE.

9.The Board moved into Item IX, Discussion and possible action regarding final orders to be executed by Board Chair Hallbauer.

A MOTION WAS MADE BY DR. CHRISTOPHER TAYLOR AND SECONDED BY BRENDA COMPAGNONE TO APPROVE PROPOSED AGREED ORDER FOR CASE 1061-14-0018. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY DR. CHRISTOPHER TAYLOR AND SECONDED BY ROY SMITH TO APPROVE PROPOSED AGREED ORDER FOR CASE 1061-16-0282 & 1061-17-0018. JANIE STUBBLEFIELD ABSTAINED.

A MOTION WAS MADE BY JANIE STUBBLEFIELD AND SECONDED BY BRENDA COMPAGNONE TO APPROVE PROPOSED AGREED ORDER FOR CASE 1061-17-0184. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY BRENDA COMPAGNONE AND SECONDED BY DR. CHRISTOPHER TAYLOR TO APPROVE PROPOSED AGREED ORDER FOR CASE 1061-18-0048. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY BRENDA COMPAGNONE AND SECONDED BY ROY SMITH TO APPROVE PROPOSED AGREED ORDER FOR CASE 1061-18-0184. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY JANIE STUBBLEFIELD AND SECONDED BY DR. CHRISTOPHERSON TAYLOR TO APPROVE PROPOSED AGREED ORDER FOR CASE 1061-19-0035. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY BRENDA COMPAGNONE AND SECONDED BY DR. CHRISTOPHERSON TAYLOR TO APPROVE PROPOSED AGREED ORDER FOR CASE 1061-16-0181. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY JANIE STUBBLEFIELD AND SECONDED BY BRENDA COMPAGNONE TO APPROVE PROPOSED AGREED ORDER FOR CASE 1061-15-0200. THE VOTE WAS APPROVED UNANIMOUSLY.

10. The Board moved into Item X, Report regarding final orders executed by Council Executive Director.

ORDERS EXECUTED BY EXECUTIVE DIRECTOR. NO MOTION NEEDED.

11. The Board moved into Item XI, Report regarding Enforcement Actions, Complaint Dismissals, and Status Report.

NO ACTION NEEDED

12. The Board moved to Item XII, Discussion and possible action concerning Committee Reports and approval of Committee minutes.

A. Application and Supervision Issues Committee Report

A MOTION WAS MADE BY JANIE STUBBLEFIELD AND SECONDED BY DR. CHRISTOPHER TAYLOR TO APPROVE THE MINUTES OF THE FEBRUARY 7, 2020; COMMITTEE MEETING AS SUBMITTED. THE VOTE WAS APPROVED UNANIMOUSLY.

A MOTION WAS MADE BY BRENDA COMPAGNONE AND SECONDED BY LORETTA BRADLEY TO APPROVE THE MINUTES OF THE MAY 15, 2020; COMMITTEE MEETING AS SUBMITTED. THE VOTE WAS APPROVED UNANIMOUSLY.

B. Professional Development Committee Report

A MOTION WAS MADE BY CHRISTOPHER TAYLOR AND SECONDED BY BRENDA COMPAGNONE TO APPROVE THE MINUTES OF THE MAY 15, 2020; COMMITTEE MEETING AS SUBMITTED. THE VOTE WAS APPROVED UNANIMOUSLY.

C. Complaints Committee Report

A MOTION WAS MADE BY CHRISTOPHER TAYLOR AND SECONDED BY BRENDA COMPAGNONE TO APPROVE THE MINUTES OF THE MAY 15, 2020; COMMITTEE MEETING AS SUBMITTED. THE VOTE WAS APPROVED UNANIMOUSLY.

13. The Board moved into Item XIII, Board Chair Report 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.

- Chair Steven Hallbauer noted BHEC approved LPC proposed rule changes. Wanted to share his appreciation to all parties involved in the rule process. Council passed motion to submit a petition to the AG's Office related to the Social Work Non-Discrimination language. Board Chair encourages LPC's to reach out to Professional Organizations so the board can become familiar with concerns LPC's face. Chair Hallbauer, would like to recognize the three board members who rolled off; Leslic Pohl, Dr. Sarah Abraham, and Steve Christopherson.
- Patrick Hyde noted this is a process and can take some time to receive a response.

- Dr. Loretta Bradley requested clarification if any future changes will be extended to all boards under BHEC or only Social Work.
- Dr. Christopher Taylor noted there is a conflict of statute.
- Dr. Jodie Elder noted her understanding is that statute did not have the non-discrimination wording and the assumption was Social Work Board was acting outside of their authority. Review of TOC 503.2015 Board duties mentions the board shall propose to the Executive Council rules regarding, (b) scope of practice of and standards of care and ethical practice for professional counseling.
- Patrick Hyde noted the request for the AG opinion will be broad and will address all boards.
- Dr. Jodie Elder noted concern with broadening request and prefers the request to not include LPC.
- Dr. Loretta Bradley noted she does not support the broadening and should only include Social Work.
- Patrick Hyde added Council has directed staff to include all boards in the AG opinion. He also noted the AG opinion could be different for each board as statute is different for each board.
- Darrel Spinks noted the request is still in draft process and can will take some time.
- Dr Loretta Bradley requests to be kept in the loop.
- Dr. Jodie Elder requests a standing agenda item related to BHEC updates.

14. 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.

Cristina De Luna thanked the board members and patience with sending out board material. Still have two LPC licensing staff; possibly an additional two staff members for the program. Staff are answering calls from 8am to 5pm and directed to the LPC staff member. Returned calls will occur one day a week as staff continue to work applications. Ability to upload documents by the applicant/licensee is very helpful. Timelines are available on main BHEC website for public. All emails and inquiries should be sent to Licensing@bhec.texas.gov. Consolidated Handbooks should be available soon. Sign-up for email alerts on the webpage. Thanks to the Board Members!

15. The Board moved into Item XV, Management Report and Update, including unit organization and staffing; current operational initiatives; customer service accomplishments and challenges; workload processing and statistical information; and general information regarding the routine functioning of the unit.

Timothy Speer noted how great the last three months have been with regards to the transition to the BHEC agency. Kudos to Darrel and his staff with all the work involved in the successful transition.

16. The Board moved into Item XVI, Public Comments:

- Emailed public comment from Texas Association from Psychological Associates.
- Thomas McCormick checking the status of his application.
- Dr. Robert Franklin supports the board regarding ethical rules in the profession. Also, wants to know when to change the term Intern to Associate. Referring to timeframes on website, might be an error.
- Rhonda Kimble advises board members to state their position in relation to rule discussions. Board may want to review rules related to Associates related to; billing, insurance panels, income.
- Betty Dawson object to change in title from Intern to Associate.
- Sandra Martin concerned with how broad the AG opinion may be moving forward. Concern with aligning LPC Board rules with ACA rules and there needs to be a distinction.
- Hill appreciates update on process of complaints. Also, request clarity if Zoom allows for continuing education at the Complaints meetings.
- Carmen Stein noted how quickly it was to receive her LPC in Texas. The supervisor status did take a little longer.

- Mario De La Garza liaison for the Texas Association for Counselor Education and Supervision. Appreciates everyone's hard work. Requests what is the best process for associations and public to reach the board. Can the reports be posted to the website?
- Kirsten Berlin checking status of application.
- Kenda Dalrymple when is the next scheduled meeting.

17.The Board moved into Item XVII, Future Committed and Board Meeting Agenda Items.

- Add an existing agenda item in relation to ongoing BHEC updates.
- Updates from AG's opinion and how it effects the LPC Board.

18.The Board moved into Item XIX, Announcements and Comments.

TCA Conference

19.Adjournment.

A MOTION WAS MADE BY JANIE STUBBLEFIELD AND SECONDED BY JODIE ELDER TO ADJOURN THE MEETING AT 11:55AM. MOTION WAS APPROVED UNANIMOUSLY.

**TEXAS STATE
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3B



MEMBERS OF THE BOARD

Steve Christopherson, LPC Board Chair
Christopher Taylor, LPC-S Board Vice-Chair
Dr. Sarah Abraham
Dr. Loretta J. Bradley, LPC-S
Brenda S. Compagnone, LPC-S
Steven Hallbauer
Leslie Pohl
Roy Smith
Janie Stubblefield, LPC-S

Cristina De Luna
Executive Director

**MEETING MINUTES
December 8, 2020**

The Texas State Board of Examiners of Professional Counselors Meeting met via Zoom video conference on September 11, 2020. The following Board members were in attendance: Steve Christopherson-Chair, Dr. Loretta Bradley, Brenda Compagnone, Steven Hallbauer, Leslie Pohl, Janie Stubblefield, Dr. Christopher Taylor. Also, in attendance was Cristina De Luna, Executive Director of LPC and Darrel Spinks, Executive Director of BHEC. The following Board member was absent from the September 11, 2020 meeting: Dr. Sarah Abraham.

Friday, December 8, 2020

- 1.The meeting was called to order at 10:35 a.m. by Chair Steven Hallbauer.
- 2.The Board moved into Item II, Introduction of members and staff.

CHAIR HALLBAUER NOTED THE ABSENECE OF ROY SMITH

- 3.The Board moved into Item III, Discussion and possible action to extend the current professional member term to the Texas Behavioral Health Executive Council.

A MOTION WAS MADE BY DR. CHRISTOPHER TAYLOR AND SECONDED BY JANIE STUBBLEFIELD TO REAPPOINT STEVEN HALLBAUER TO SERVE AS THE PUBLIC MEMBER OF THEBOARD TO THE TEXAS BEHAVIORIAL HEALTH EXECUTIVE COUNCIL. THE VOTE WAS APPROVED UNANIMOUSLY.

- 4.The Board moved into Item IV, Public comment.

NO PUBLIC COMMENT

- 18.The Board Adjournment.

A MOTION WAS MADE BY JANIE STUBBLEFIELDS AND SECONDED BY DR CHRISTOPHER TAYLOR TO ADJOURN THE MEETING AT 10:42 a.m. MOTION WAS APPROVED UNANIMOUSLY.

Chair Steven Hallbauer

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X. Records of Meetings

A. Minutes or Recordings of Open Meeting

Section 551.021 of the Government Code provides as follows:

- (a) A governmental body shall prepare and keep minutes or make a recording of each open meeting of the body.
- (b) The minutes must:
 - (1) state the subject of each deliberation; and
 - (2) indicate each vote, order, decision, or other action taken.⁴³⁰

Section 551.022 of the Government Code provides:

The minutes and recordings of an open meeting are public records and shall be available for public inspection and copying on request to the governmental body's chief administrative officer or the officer's designee.⁴³¹

If minutes are kept instead of a recording, the minutes should record every action taken by the governmental body.⁴³² If open sessions of a commissioners court meeting are recorded, the recordings are available to the public under the Public Information Act.⁴³³ (For a discussion of record retention laws, refer to Part XII.F of this *Handbook*).

In 2019, the 86th Legislature added a special posting provision applicable to special purpose districts subject to chapters 51, 53, 54, or 55 of the Water Code with populations of 500 or more.⁴³⁴

⁴³⁰ TEX. GOV'T CODE § 551.021; *see also* Tex. Att'y Gen. Op. No. GA-0727 (2009) at 2 (opining that Texas State Library and Archives Commission rule requiring written minutes of every open meeting of a state agency is likely invalid as inconsistent with section 551.021(a), which authorizes a governmental body to make a recording of an open meeting).

⁴³¹ TEX. GOV'T CODE § 551.022; *see York v. Tex. Guaranteed Student Loan Corp.*, 408 S.W.3d 677, 688 (Tex. App.—Austin 2013, no pet.) (concluding that exceptions in the Public Information Act do not operate to prevent public disclosure of minutes requested under section 551.022).

⁴³² *See York*, 408 S.W.3d at 687 (defining “minutes” to refer “to the record or notes of a meeting or proceeding, whatever they may contain”).

⁴³³ Tex. Att'y Gen. Op. No. JM-1143 (1990) at 2–3 (concluding that tape recording of open session of commissioners court meeting is subject to Open Records Act); *see* Tex. Att'y Gen. ORD-225 (1979) at 3 (concluding that handwritten notes of open meetings made by secretary of governmental body are subject to disclosure under Open Records Act); ORD-32 (1974) at 2 (concluding that audio tape recording of open meeting of state licensing agency used as aid in preparation of accurate minutes is subject to disclosure under Open Records Act).

⁴³⁴ *See* Act of May 10, 2019, 86th Leg., R.S., ch. 105, § 2, 2019 Tex. Sess. Law Serv. 176, 177 (to be codified at TEX. GOV'T CODE § 551.1283).

EXECUTIVE ORDERS**Executive Order on Increasing Economic
and Geographic Mobility****ECONOMY & JOBS**

Issued on: December 14, 2020

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 305 of title 5, United States Code, and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. Policy and Principles. As expressed in Executive Order 13777 of February 24, 2017 (Enforcing the Regulatory Reform Agenda), it is the policy of the United States to alleviate unnecessary regulatory burdens placed on the American people. Overly burdensome occupational licensing requirements can impede job creation and slow economic growth, which undermines our Nation's prosperity and the economic well-being of the American people. Such regulations can prevent American workers and job seekers from earning a living, maximizing their personal and economic potential, and achieving the American Dream. The purpose of this order is to reduce the burden of occupational regulations in order to promote the free practice of commerce, lower consumer costs, and increase economic and geographic mobility, including for military spouses.

My Administration is committed to continuing this important work by partnering with State, local, territorial, and tribal leaders throughout the country to eliminate harmful occupational regulations, which are frequently designed to protect politically connected interest groups. To this end, in October 2019, my Administration announced the establishment of the Governors' Initiative on Regulatory Innovation, which works with State, local, and tribal leaders to advance occupational licensing reforms, better align State and Federal regulations, and eliminate unnecessary regulations that drive up consumer costs.

Occupational regulations can protect practitioners from competition rather than protect the public from malpractice. Unfortunately, the number of occupational regulations has substantially increased over the last few decades. Since the 1950s, the percentage of jobs requiring a government-mandated occupational license has increased from less than 5 percent to between 25 and 30 percent. By requiring workers to acquire new licenses when they move to a new jurisdiction, occupational regulations reduce worker mobility, disproportionately harm low-income Americans, and are particularly burdensome to military spouses who must relocate to support the service members committed to keeping our country safe. Additionally, blanket prohibitions that prevent individuals with criminal records from obtaining occupational licenses may exacerbate disparities in employment opportunity and increase the likelihood of recidivism, particularly as regulatory barriers to enter lower- and middle-income occupations are associated with higher recidivism rates. Licensing requirements unnecessary to protect consumers from significant and demonstrable harm also frequently impose expensive educational requirements on potential job seekers, even for occupations with limited future earnings potential. According

to recent research, licensing requirements have cost our country an estimated 2.85 million jobs and over \$200 billion annually in increased consumer costs.

Therefore, it is the policy of the United States Government to support occupational regulation reform throughout the Nation, building on occupational licensing reforms enacted most recently in Arizona, Florida, Iowa, Missouri, and South Dakota, guided by six principles:

Principle 1. All recognized occupational licensure boards should be subject to active supervision of a designated governmental agency or office.

Principle 2. All occupational licensure boards recognized by a State, territorial, or tribal government that oversee personal qualifications related to the practice of an occupation should adopt and maintain the criteria and methods of occupational regulation that are least restrictive to competition sufficient to protect consumers from significant and demonstrable harm to their health and safety. The policies and procedures of such boards should be designed to protect consumer and worker safety and to encourage competition.

Principle 3. State, territorial, and tribal governments should review existing occupational regulations, including associated scope-of-practice provisions, to ensure that their requirements are the least restrictive to competition sufficient to protect consumers from significant and demonstrable harm. State, territorial, and tribal governments should also regularly review and analyze all occupational regulations, including associated personal qualifications required to obtain an occupational license, to ensure the adoption of the least restrictive requirements necessary to protect consumers from significant and demonstrable harm.

Principle 4. Individuals with criminal records should be encouraged to submit to the appropriate licensure board a preliminary application for an occupational license for a determination as to whether the criminal record would preclude their attainment of the appropriate occupational license.

Principle 5. A State, territorial, or tribal government should issue an occupational license to a person in the discipline applied for and at the same level of practice if the individual satisfies four requirements:

- (a) the individual holds an occupational license for that discipline from another jurisdiction in the United States and is in good standing;
- (b) the individual verifies having met, as applicable, the minimum examination, education, work, or clinical-supervision requirements imposed by the State, territory, or tribe;
- (c) the individual:
 - (i) has not had the license previously revoked or suspended;
 - (ii) has not been disciplined related to the license by any other regulating entity; and
 - (iii) is not subject to any pending complaint, allegation, or investigation related to the license;and
- (d) the individual pays all applicable fees required to obtain the new license.

Principle 6. Accommodations should be made for any applicant for an occupational license who is the spouse of an active duty member of the uniformed services and who is relocating with the member due to the member's official permanent change of station orders.

Sec. 2. Review of and Report on Authorities, Regulations, Guidance, and Policies. The head of each executive department and agency (agency) shall, within 90 days of the date of this order and every 2 years thereafter:

- (a) review the agency's authorities, regulations, guidance, and polices to identify changes necessary to ensure alignment with the principles set forth in section 1 of this order; and
- (b) submit a report to the Director of the Office of Management and Budget (Director of OMB), the Assistant to the President for Domestic Policy, and the Assistant to the President and Director of Intergovernmental Affairs (Director of IGA) identifying all necessary changes identified pursuant to subsection (a) of this section.

Sec. 3. Identification and Report of Opportunities to Encourage Occupational Regulation Reform.

- (a) Within 90 days of the date of this order, and every 2 years thereafter, the head of each agency shall submit a report to the Director of OMB, the Assistant to the President for Domestic Policy, and the Director of IGA identifying a list of recommended actions available to any and all agencies to recognize and reward State, territorial, and tribal governments that have in place policies and procedures regarding occupational regulation that are consistent with the principles set forth in section 1 of this order; and
- (b) Within 120 days of the date of this order, and every 2 years thereafter, the Assistant to the President for Domestic Policy, in consultation with the Secretary of Commerce, the Secretary of Labor, the Director of OMB, the Administrator of the Small Business Administration, the Director of IGA, and the heads of other agencies and offices as appropriate, shall submit a report to the President identifying:
 - (i) recommended changes to Federal law, regulations, guidance, and other policies to ensure alignment with the principles set forth in section 1 of this order;
 - (ii) recommended actions to be taken by agencies to recognize and reward State, territorial, and tribal governments that have in place policies and procedures regarding occupational regulation that are consistent with the principles set forth in section 1 of this order; and
 - (iii) a list of criteria that may be used to evaluate whether a State, territorial, or tribal government has in place policies and procedures that are consistent with the principles set forth in section 1 of this order.

Sec. 4. Implementation of Recommendations to Recognize and Reward State, Territorial, and Tribal Regulatory Reform.

- (a) Within 180 days of the date of this order, and every 2 years thereafter, the Administrator of the Small Business Administration, in consultation with the Secretary of Commerce, the Secretary of Labor, the Secretary of Health and Human Services, and the heads of other agencies as appropriate, shall seek and report on information from State, territorial, and tribal governments regarding whether they have in place policies and procedures consistent with the principles set forth in section 1 of this order and shall make the report publicly available, including on agencies' websites. The information sought shall be consistent with the criteria identified as required by section 3(b)(iii) of this order.
- (b) Consistent with applicable law, and to the extent that the President approves any of the actions recommended pursuant to section 3(b)(ii) of this order, agencies shall implement such actions for the purpose of recognizing and rewarding a State, territorial, or tribal government

that has in place policies and procedures regarding occupational regulation that are consistent with the principles set forth in section 1 of this order.

Sec. 5. Definitions. For the purposes of this order:

(a) “Active supervision” means:

- (i) reviewing proposed occupational licensure board rules, policies, or other regulatory actions that may restrict market competition prior to issuance;
- (ii) ensuring that any entity seeking to impose occupational licensing criteria adopts the criteria that are least restrictive to competition sufficient to protect consumers from significant and demonstrable harm to their health or safety; and
- (iii) analyzing, where information is readily available, the effects of proposed rules, policies, and other regulatory actions on employment opportunities, consumer costs, market competition, and administrative costs.

(b) “Agency” has the meaning given that term in section 3502(1) of title 44, United States Code, except that the term does not include the agencies described in section 3502(5) of title 44, United States Code, other than the Bureau of Consumer Financial Protection.

(c) “Occupational license” means a license, registration, or certification without which an individual lacks the legal permission of a State, local, territorial, or tribal government to perform certain defined services for compensation.

(d) “Occupational regulation” includes:

- (i) licensing or government certification, by which a government body requires personal qualifications in order to be permitted to practice an occupation; and
- (ii) registration, bonding, or inspections, by which a government body does not require personal qualifications in order to be permitted to practice an occupation.

Sec. 6. General Provisions.

(a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,
December 14, 2020.

Opportunity for Assistance with the Development of Interstate Compacts for Occupational Licensure



**National Center for
Interstate Compacts**
THE COUNCIL OF STATE GOVERNMENTS

Applicant Webinar, November 30, 2020



**National Center for
Interstate Compacts**
THE COUNCIL OF STATE GOVERNMENTS

Marcus Beauregard
Director
Defense-State Liaison Office
U.S. Department of Defense



**National Center for
Interstate Compacts**
THE COUNCIL OF STATE GOVERNMENTS

Applicant Webinar, November 30, 2020

What is an interstate compact?

A legal contract between two or more states
that allows states to:

- Cooperatively address shared problems
- Respond to national priorities with one voice
- Maintain state sovereignty over issues belonging to the states



What do interstate compacts do?

Interstate compacts are used to:

Resolve boundary disputes

Manage shared natural resources

Create administrative agencies with jurisdiction over state concerns such as:

Transportation

Taxation

Environmental matters

Regulations

Education

Corrections

Public Safety

Occupational Licensure



Compacts Today

- Approximately 215 active compacts
- On average states are members of about 25 compacts
- Five National Compacts
 - EMAC – Emergency Management Assistance Compact
 - MIC3 – Military Children’s Compact Commission
 - ICAOS – Interstate Compact for Adult Offender Supervision
 - IJC – Interstate Juvenile Compact
 - ICPC – Interstate Compact for the Placement of Children



Occupational Licensing Interstate Compacts



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NOTABLE LICENSURE COMPACTS

➤ Active

- Nurse Licensure Compact – 34 states (25 state threshold)
- EMS Licensure Compact – 21 states (10 state threshold)
- Medical Licensure Compact – 31 states (7 state threshold)
- Physical Therapy Compact – 28 states (10 state threshold)
- PsyPact – 15 states (7 state threshold)
- ASLP-IC – 6 states (10 state threshold)

➤ Soon to be Active

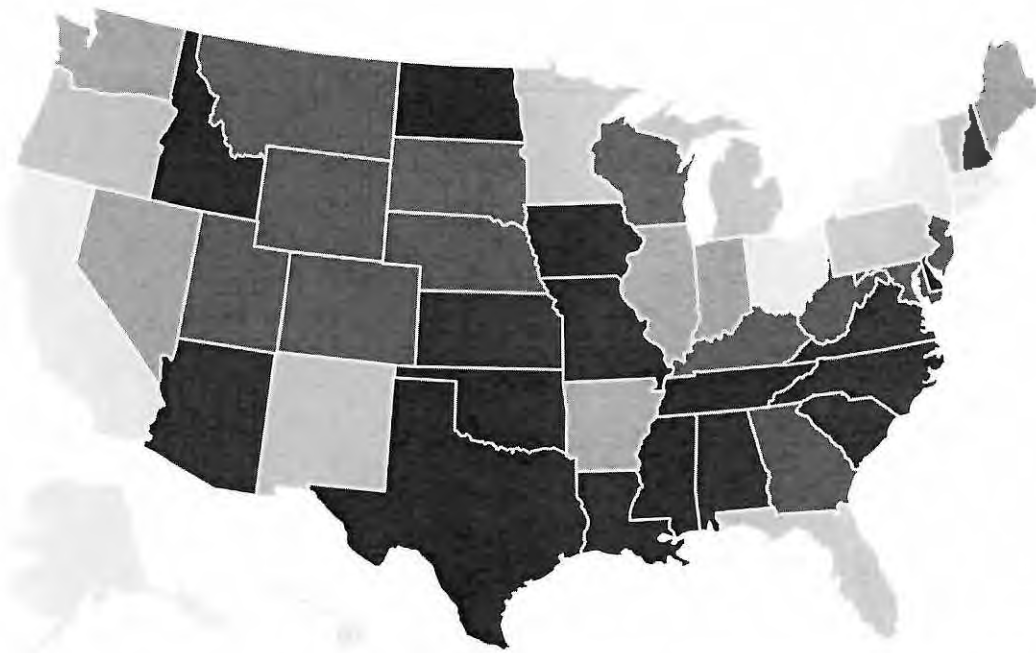
- Occupational Therapy Compact (available for passage during 2021 session)
- Licensed Professional Counselors Compact (available for passage during 2021 session)
- Physicians Assistants (being developed by Federation of State Medical Boards)



Occupational Licensing Interstate Compacts

- Since January 2016 – 137 separate pieces of legislation have been enacted
- 42 states have joined at least 1 occupational licensure compact
- 28 states have enacted at least 3 occupational licensure compacts





OCCUPATIONAL LICENSURE COMPACT MEMBERSHIP

- None
- 1 compact
- 2 compacts
- 3 compacts
- 4 compacts
- 5 compacts
- 6 compacts
- 7 compacts

- *Advanced Traffic Safety (ATS) Compact*
- *Electric Energy (EE) Compact*
- *Emergency Medical Services Compact (EMSC)*
- *Enhanced Nurse Licensure Compact (ENLC)*
- *Interstate Medical Licensure Compact (IMLC)*
- *Emergency Medical Services Compact (EMSC)*
- *National A. Gordon Language Technology (NALT) Compact*



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What is Driving Interest in Interstate Compacts?

- Threat of a federally mandated solution
- Advances in technology
- Increasingly mobile world
- Deficit/Availability of professionals
- Practical advancement for current and future generations of practitioners
- Support of spouses of relocating military members
- Proven track record

Benefits to Practitioners of Occupational Licensure Compacts

1) Increased mobility

- Responsive to a more mobile generation of workers
- Competition = competitive salary/benefits

2) Leverages advancing technology

- Tele-practice

3) Practical advancement for current and future practitioners

- Interstate Compacts eliminate unnecessary barriers and improve the quality of necessary requirements
- Stronger professional development
- Better prep programs

4) Supports relocating military members and families



Benefits to Licensing Boards of Occupational Licensure Compacts

- 1) Agreement on Uniform Licensure Requirements**
- 2) Shared data system**
 - Electronic processing of interstate licensure
 - Share data around adverse action / disciplinary measures
 - Share static information (transcripts, work experience, etc.)
- 3) Increased access to highly-qualified practitioners**
 - Compact requirements for licensure typically have a higher bar



Benefits to States of Occupational Licensure Compacts

1) Flexibility and autonomy compared to federal policy

- Compacts can be tailored to fit an occupation or industry's needs by state or region

2) Strengthens state sovereignty

3) Enhanced cooperation between states

- Dispute resolution
- Solving local/regional issues

4) Strengthens labor markets

- Better distribution of workers – helps ease regional worker shortages
- Access to a greater number of highly-qualified practitioners

5) Expands ability to protect public health and safety



Benefits to the Public of Occupational Licensure Compacts

- 1) Expanded market of highly-qualified practitioners
- 2) Increased public health and safety
- 3) Relief for disproportionately affected populations
 - Military families
- 4) Greater mobility for families
 - Increased opportunities



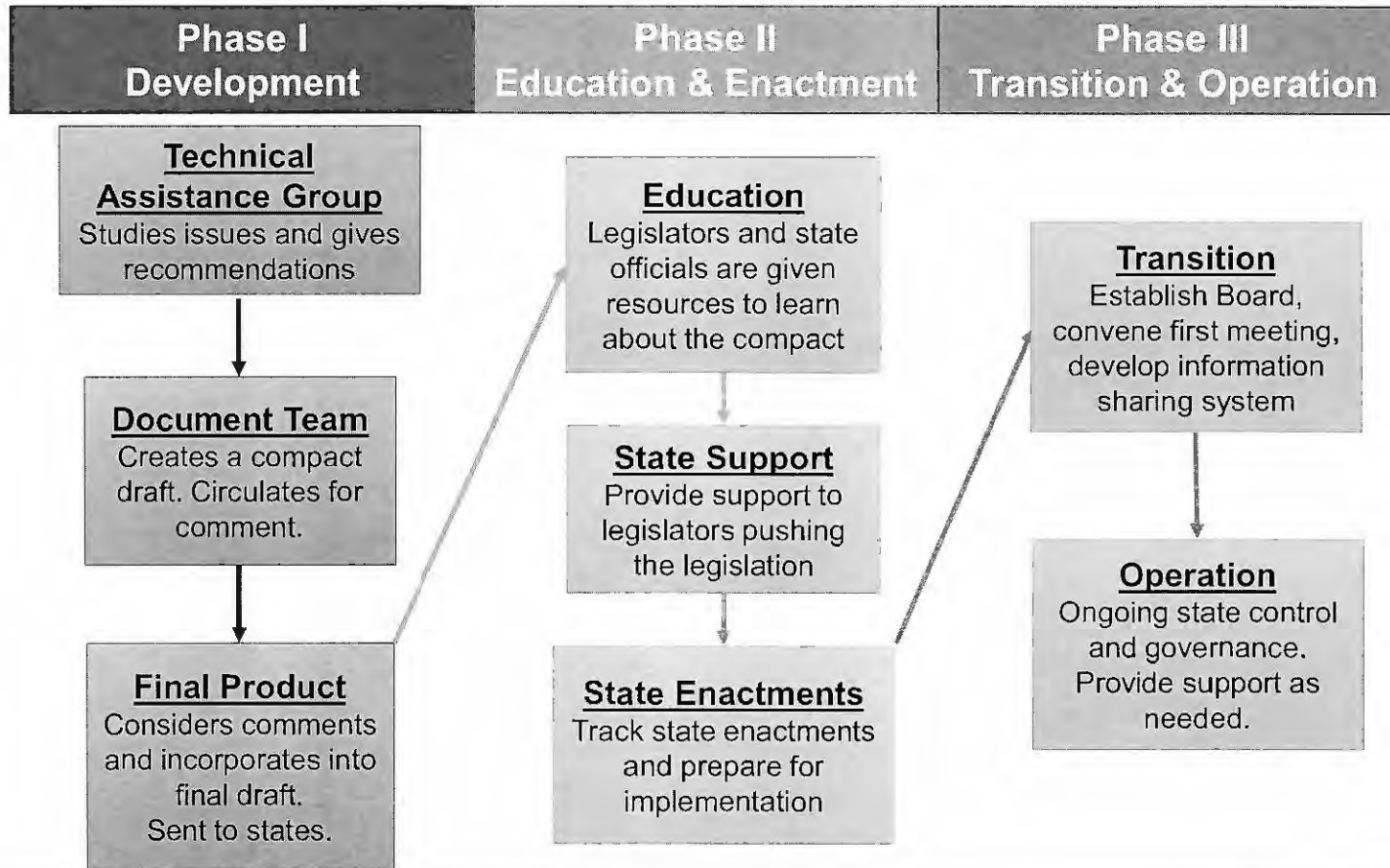
INTERSTATE COMPACT DEVELOPMENT PROCESS



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NCIC's Compact Development Process



Assistance Available to Professions for Interstate Compact Development



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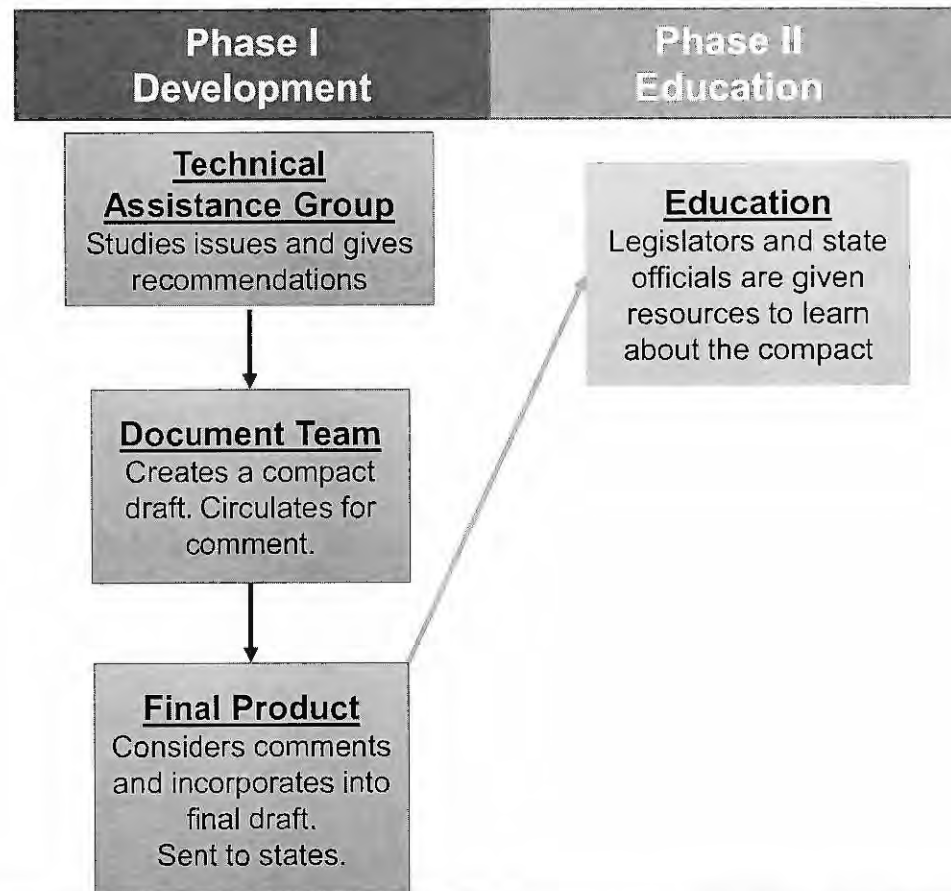
Occupational Licensure Compacts: Project Funding

The U.S. Department of Defense (DoD) is partnering with The Council of State Governments (CSG) to:

- Fund and support the development of new interstate compacts for occupational licensure.
- Applicants selected for this opportunity will not receive direct funding from CSG, but CSG will fund all elements of the interstate compact development process including:
 - Convening a compact technical assistance group
 - Convening a compact document team
 - Hosting a national legislative briefing for state legislators
 - Developing a legislative resource kit



Occupational Licensure Compacts: Development Process



Compact Development Process: Application

APPLICATION

Applications for assistance with the development of an interstate compact for occupational licensure are due February 1, 2021.

Visit compacts.csg.org to download the application.



Compact Development Process: Selection

An icon depicting a dark grey envelope with a white document inside. The document has several horizontal lines representing text. A circular checkmark is positioned in the top right corner of the document, indicating a selection or approval process.

SELECTION

In consultation with DoD, CSG will select occupations for compact development activities. Applicants can expect the announcement of selected occupations in March of 2021.



Compact Development Process: Development

DEVELOPMENT

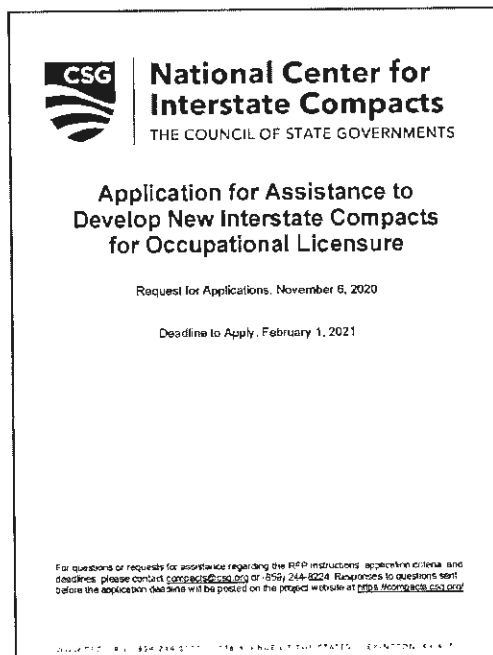
By Spring 2021, CSG will convene technical assistance groups of experts and stakeholders in the selected licensed occupations to begin compact development discussions. CSG will then convene drafting teams to create model interstate compact legislation.



Compact Development Process: Dissemination



Occupational Licensure Compacts: Application Information



Application Due Date: February 1, 2021

Application information: <https://compacts.csbg.org/apply/>

Information related to assistance provided through this project: <https://compacts.csbg.org/development/>

Additional Information:
<https://compacts.csbg.org/compacts/>



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Occupational Licensure Compacts: Technical Assistance

The Council of State Governments will provide interested applicants with technical assistance (TA) opportunities to aid in the application development.

This may include assistance regarding:

- Application instructions and requirements
- The compact development process
- The feasibility of a compact for your profession
- Other issues that may arise throughout the course of the project

To request technical assistance during application development please email compacts@csg.org



Contact Information

Dan Logsdon

Director

National Center for Interstate Compacts

The Council of State Governments

dlogsdon@csg.org

Matt Shafer

Manager

The Council of State Governments

matthew.shafer@csg.org

More information online at:

<https://compacts.csg.org/>



Questions?



**National Center for
Interstate Compacts**
THE COUNCIL OF STATE GOVERNMENTS

Applicant Webinar, November 30, 2020

To Whom It May Concern:

T.B.H.E.C.
2020 DEC -1 P11 2: 20

I am writing to petition the board to modify an existing rule (§681.13 Impartiality and Non-discrimination) and adopt a new rule in Subchapter C, Code of Ethics.

Our existing statement is identical to the statement promulgated by the State of Texas. The Department of Health and Human Services adopted the State non-discrimination statement, as did the Texas State Board of Examiners of Professional Counselors. The State sets the minimum requirements for non-discrimination, however, that should not prevent our Board from including additional protected classes consistent with other Texas State licensing boards (i.e., Social Workers, Marriage and Family Therapists).

The current statement in Subchapter A that provides direction to the Texas State Board of Examiners of Professional Counselors Board reads as follows:

§681.13 Impartiality and Non-discrimination

- (a) The board shall make decisions in the discharge of its statutory authority without regard to a person's age, race, religion, ethnicity, sex, disability, national origin, or genetic information.

I would like to propose that the existing Impartiality and Non-discrimination statement be more comprehensive to include gender, gender identity and expression, and sexual orientation. Adding this language to our non-discrimination statement will provide current professional counselors and citizens who elevate complaints to the Board the assurance that they will not be discriminated against due to their LGBT status. Making this change and expanding this language will also allow the Texas LPC Code to be consistent with other mental health professions regulated in Texas. Both the Social Worker and Marriage and Family Therapy boards in Texas incorporate sexual orientation as a protected class within their non-discrimination statements. I would propose that the new statement be amended as follows with the new language bracketed:

§681.13 Impartiality and Non-discrimination

- (a) The board shall make decisions in the discharge of its statutory authority without regard to a person's age, race, religion, ethnicity, sex, [gender, gender identity and expression, sexual orientation,] disability, national origin, or genetic information.

My second petition to the Board is the adoption of new non-discrimination rule to be included in Subchapter C, Code of Ethics. Citizens of Texas need to be assured that their Licensed Professional Counselors will not discriminate against them in the provision of their professional services. I would propose the following bracketed statement be added

as the first Board rule under Subchapter C, Code of Ethics under the §681.41 General Ethical Requirements.

[(a) A licensee shall not refuse to perform any act or service solely on the basis of a client's age, race, ethnicity, religion, national origin, sex, gender, gender identity or expression, sexual orientation, disability or political affiliation.]

This statement should be placed as the first statement under the §681.41 General Ethical Requirements because non-discrimination is foundational to all services provided to citizens of Texas.

Modifying our existing Board rule and adopting a new non-discrimination rule for licensees will create a safer environment in Texas. Our Board rules and Code of Ethics exist to protect the citizens of Texas as they receive and pay for professional services. Creating protections and safety for clients will help them to be better able to achieve their treatment goals and improve their overall health and well-being.

Thank you for your consideration of this request.

Sincerely,

D'Anna Klassen

Graduate Student [REDACTED] | Southern Methodist University
Simmons College of Education & Human Development
Counseling Program

TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL



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Christopher S. Taylor, Ph.D.

Darrel D. Spinks
Executive Director

December 17, 2020

Via U.S. Regular Mail

D'Anna Klassen
[REDACTED]
[REDACTED]

Re: Denial of Petition for Rulemaking

Dear Ms. Klassen:

The Texas Behavioral Health Executive Council (Council) received your petition for rulemaking on December 1, 2020. Pursuant to Tex. Gov't Code § 2001.021(c) this agency must either deny your petition or initiate rulemaking within 60 days. The next scheduled meeting for the Texas State Board of Examiners of Professional Counselors is February 12, 2021, which is beyond this 60 day deadline; therefore staff must deny your petition before presenting it to the Board. Staff has denied your petition for the reasons outlined in this letter, but please note that your petition, as well as this denial letter, will be presented to the Texas State Board of Examiners of Professional Counselors at its next regularly scheduled meeting so the Board may review and determine if a different course of action is warranted. The staff denial of your petition does not preclude the Board from considering your petition or the Council from initiating formal rulemaking proceedings.

Your petition requests that 22 Tex. Admin. Code § 681.13(a), pertaining to impartiality and non-discrimination of board decisions, be amended to include "gender, gender identity and expression, and sexual orientation." This rule cannot be amended because on November 19, 2020, rule 681.13 was repealed. Please note that the Council has since adopted a Compact with Texans which is published on the Council's website. This compact specifically addresses your concern because it states: "[d]iscrimination based on race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, disability, age (40 or older) or genetic information (including family medical history) is illegal and will not be practiced or tolerated by the Council when carrying out its duties."

Your petition also requests that 22 Tex. Admin. Code § 681.41, pertaining to ethical requirements for licensees, be amended to include the following language: "[a] licensee shall not refuse to perform any act or service solely on the basis of a client's age, race, ethnicity, religion, national origin, sex, gender, gender identity or expression, sexual orientation, disability or political affiliation." This amendment cannot be proposed at this time because the Council, on December 14, 2020, submitted a request for a Texas Attorney

333 Guadalupe, Suite 3-900, Austin, Texas 78701
(Phone) 512-305-7700, www.bhec.texas.gov

The Texas Behavioral Health Executive Council is an equal opportunity employer and does not discriminate on the basis of race, color, religion, national origin, age, sex, disability or sexual orientation.

General Opinion regarding the statutory authority to adopt a rule with similar language. Therefore, the Council will wait for an opinion from the Texas Attorney General before considering any rule proposal with language similar to what you have proposed.

Sincerely,

A handwritten signature in black ink, appearing to read "P Hyde". The signature is written in a cursive, flowing style.

Patrick Hyde
General Counsel

Texas Behavioral Health Executive Council
 333 Guadalupe Street, Ste. 3-900
 Austin, Texas 78701

Summer Allen, Ph.D., LPC
 C/O LPC Associates of Texas, LLC

Esteemed Members of the Board,

The purpose of this request is a petition for rulemaking under §2001.021 of the Government Code. I affirm that I qualify as an interested person in this petition. Per §2001.021.(d.1) and §2001.021.(d.2), I qualify as an interested person based on my status as a Texas resident and the owner of a business entity located in this state.

Amendments to §681.49 (h), §681.91 (d), §681.91 (n), and §681.91(1) are requested in this document and information pursuant to Texas Administrative Code Title 22, part 41, Chapter Subchapter B, §881.21 is included. Additionally, this document contains multiple proposed rule changes delineated through the use of corresponding headings indicated below.

PROPOSED RULE CHANGE 1 & 2: §681.91 (d) and §681.91 (n)

Explanation & Justification: The proposed rule change to §681.91 (d) and §681.91 (n) is largely related to the current mental health crisis and shortage faced by thousands of Texans across the state, to include Texans in rural areas. Providing LPC Associates the opportunity to own and operate a private practice would significantly increase accessibility to counseling services. Further, as many LPC Associates offer sliding scale options, the proposed rule change is likely to increase accessibility to affordable counseling services to underserved populations. Board members have indicated that the removal of the word ‘temporary’ license in 2019, and the change to the word ‘associate’ in 2020, was actually a move to pave the way for LPC Associate insurance credentialing. According to data from the Texas Department of Health Services: Texas Health and Human Services (2019), 100 out of 254 counties in Texas do not have a single LPC Associate indicated as practicing in the county. In other words, 40% of the counties in Texas do not have access to an LPC Associate. LPC Associates are valuable members of the helping professions, have earned a 60-hour master’s degree, passed a rigorous exam, and can reduce the mental health shortage areas in Texas.

This proposed rule change does not suggest that LPC Associates should be allowed to practice independently, meaning without supervision. LPC Associates would still practice under supervision and inform clients of regulations related to their practice of counseling. LPC Supervisors may raise concerns related to an LPC Associate’s competency to own and operate a private practice. I offer a few thoughts related to potential opposition to this requested rule change.

- First, I am unaware of LPC Supervisors petitioning rule changes to prevent LMFT Associates from owning and operating a private practice based on competency concerns and so, I would imagine given the equivalent educational requirements, the perceived

competency disparity between LPC Associates and LMFT Associates is of no significant consequence.

- Second, these rule changes would not *require* LPC Supervisors to supervise LPC Associates who own and operate a private practice. LPC Supervisors may choose to develop a supervision specialty and support LPC Associates as they own and operate a private practice or, they may choose not to supervise an LPC Associate in private practice should they not feel comfortable.
- Finally, Supervisors are already trained to follow the developmental model when deciding to allow or limit LPC Associate employment. To my knowledge, it is not uncommon for an LPC Supervisor to decline supervision of an LPC Associate based on their work setting (i.e., school settings, correctional facilities, treatment facilities for complicated diagnoses, etc.). Therefore, LPC Supervisors would continue to reserve that right and autonomy in choosing not to supervise an LPC Associate who owns and operates a private practice.

It is important to note that there is already a significant number of dual licensed LPC/LMFT Supervisors who are successfully supervising LMFT Associates who own and operate their own private practice. LMFT Associates complete a 60-hour master's degree that is no more rigorous than that of LPC Associates, and yet, when they graduate and pass their licensing exam they are permitted to own and operate a private practice under supervision. This rule petition to TSBEP is also one rooted in a request for the Council to consider uniformity and parity across the behavioral health boards and similarly licensed mental health professionals (i.e., LPC Associates, LMFT Associates).

Proposed Rule Language to be Added or Deleted: Amend rule §681.91 (d) to reflect: An LPC Associate may practice counseling only as part of his or her Associateship and only under the supervision of a Licensed Professional Counselor Supervisor (LPC-S). ~~The LPC Associate may not own an independent professional counseling practice.~~ An LPC Associate may practice counseling in any setting under supervision, such as a private practice, public or private agencies, hospitals, etc.

~~Delete rule §681.91 (n) in its entirety: The LPC Associate must not represent himself or herself as an independent practitioner. The LPC Associate's name must be followed by the name of the supervisor on all advertisements, billings, and announcements, including but not limited to websites and intake documents.~~

Public Benefit, Anticipated Injury, Inequity, & Economic Impact: The public would benefit from the adoption of the proposed rule change indicated above by increased accessibility to counseling services. This proposed rule change has the potential to address some of the mental health crises and shortages present across Texas. There is no anticipated injury because the proposed rule change does not change supervision requirements. Additionally, it would address parity by communicating to the public that LPC Associates are qualified licensed mental health professionals equal to, and as qualified as, LMFT Associates. There is no anticipated injury, no negative economic impact, and no detrimental environmental impact associated with this proposed rule change. This proposed rule change does not contribute to inequities, rather it serves to address existing inequities faced by LPC Associates. The denial of equitable regulations across disciplines (counseling and marriage and family therapy) for LPC Associates

only serves to continue inequities faced by this valuable population of counselors in Texas and reduces the possibility for accessibility to counseling services for those in need.

PROPOSED RULE CHANGE 3: §681.49 (h)

Explanation & Justification: Inequities exist between LPC Associates and LMFT Associates, one of which is represented in the different standard by which each group must identify itself to the public. Both LMFT Associates and LPC Associates are allowed to advertise. However, LMFT Associates are not required to list their supervisor's name on any advertisements, billing, and announcements of counseling treatment, while LPC Associates are in fact held to this standard. The implication here is that LMFT Associates are qualified to practice without explicitly informing the public of their supervision status, while LPC Associates are not. Both groups are equally qualified to provide counseling or mental health treatment while under supervision. This rule petition to TSBEP is also one rooted in a request for the Council to consider uniformity and parity across the behavioral health boards and similarly licensed mental health professionals (i.e., LPC Associates, LMFT Associates).

The current rule does not serve to increase public safety or client welfare; rather it holds the potential to increase public uncertainty regarding the educational background, competence, and value held by LPC Associates. LPC Associates are required to disclose their license and supervision status to current or potential clients as well as information to contact TSBEP if there is a complaint. This is sufficient notice to the public regarding the regulations related to LPC Associates.

Proposed Rule Language to be Added or Deleted: Amend rule §681.49 (h) to reflect: An LPC Associate must indicate Associate status on all advertisements, billing, and announcements of counseling treatment by the use of the term "LPC Associate." ~~On all advertisements, billings and announcements of counseling treatment by an LPC Associate, the Associate's name must be followed by the name of the supervisor.~~

Public Benefit, Anticipated Injury, Inequity, & Economic Impact: The public would benefit from the adoption of the proposed rule change indicated above by increased accessibility to counseling services. This proposed rule change has the potential to address some of the mental health crises and shortages present across Texas. There is no anticipated injury because the proposed rule change does not change supervision requirements. Additionally, it would address parity by communicating to the public that LPC Associates are qualified licensed mental health professionals equal to and as qualified as LMFT Associates. There is no anticipated injury, no negative economic impact, and no detrimental environmental impact associated with this proposed rule change. This proposed rule change does not contribute to inequities, rather it serves to address existing inequities faced by LPC Associates. The denial of equitable regulations across disciplines (counseling and marriage and family therapy) for LPC Associates only serves to continue inequities faced by this valuable population of counselors in Texas and reduces the possibility for accessibility to counseling services for those in need.

PROPOSED RULE CHANGE 4: §681.91(1)

Explanation & Justification: The proposed rule change to §681.91(1) will promote equity, freedom, autonomy, and increased financial security among LPC Associates. Further, it may serve to protect LPC Associates from unscrupulous business practices. The opportunity for LPC Associates to take payments directly from clients is congruent with the opportunities afforded to

LMFT Associates. Currently, hundreds of LPC Associates are experiencing poverty, food insecurity, and general dissatisfaction with the counseling profession because of the extreme financial hardship the entrenched professional structure places on LPC Associates. In addition, many LPC Supervisors in the dual role of practice owner, incorrectly categorize many LPC Associates as 1099 employees and enforce unethical fee splitting practices that leave LPC Associates with a paltry income, no health benefits, and in the position of having to pay rent in addition to monthly supervision fees. LPC Associates know they are not allowed to present themselves as practicing independently, but few understand that following their supervisor's directive to pay rent for counseling space puts them in that unethical position. While this is not explicitly stated in the Texas Administrative Code, the general assumption among the LPC Associate community is that they are not allowed to rent space and if they do, they may lose their license to practice. Deletion of rule §681.91(1) would benefit LPC Associates by increasing the opportunity for more input and options regarding the financial components related to newly licensed counselors.

Proposed Rule Language to be Added or Deleted: Delete rule §681.91(1) in its entirety: ~~An LPC Associate must not accept direct payment for services from a client.~~

Public Benefit, Anticipated Injury, & Inequity, & Economic Impact: The public would benefit from the adoption of the proposed rule change indicated above by increased accessibility to counseling services. This proposed rule change has the potential to address some of the mental health crises and shortages present across Texas. There is no anticipated injury because the proposed rule change does not change supervision requirements. Additionally, it would address parity by communicating to the public that LPC Associates are qualified licensed mental health professionals equal to and as qualified as LMFT Associates. There is no anticipated injury, no negative economic impact, and no detrimental environmental impact associated with this proposed rule change. This proposed rule change does not contribute to inequities, rather it serves to address existing inequities faced by LPC Associates. The denial of equitable regulations across disciplines (counseling and marriage and family therapy) for LPC Associates only serves to continue inequities faced by this valuable population of counselors in Texas and reduces the possibility for accessibility to counseling services for those in need.

The above changes reflect a growing need for equity in the field of mental health services toward those who are passionate about providing quality counseling services, have invested years and finances in the profession, are valuable members of the counseling community, and at the same time vulnerable to unscrupulous business practices due to antiquated and unnecessary rules currently in place. With over 4,000 LPC Associates in the state of Texas, allowing greater opportunities to practice would allow for more Texas residents to receive high quality mental health services, positively impact the mental health shortage, promote equality across disciplines, and increase credibility of LPC Associates.

On behalf of the LPC Associate community in Texas, I thank you for your time and service to our profession. We appreciate your review and consideration of these rules.



Summer Allen, PhD, LPC; [REDACTED]

**TEXAS
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Christopher S. Taylor, Ph.D.

Darrel D. Spinks
Executive Director

December 17, 2020

Via U.S. Regular Mail

Summer Allen, Ph.D.
[REDACTED]
[REDACTED]

Re: Denial of Petition for Rulemaking

Dear Dr. Allen:

The Texas Behavioral Health Executive Council (Council) received your petition for rulemaking on December 11, 2020. Pursuant to Tex. Gov't Code § 2001.021(c) this agency must either deny your petition or initiate rulemaking within 60 days. The next scheduled meeting for the Texas State Board of Examiners of Professional Counselors is February 12, 2021, which is beyond this 60 day deadline; therefore staff must deny your petition before presenting it to the Board. Staff has denied your petition for the reasons outlined in this letter, but please note that your petition, as well as this denial letter, will be presented to the Texas State Board of Examiners of Professional Counselors at its next regularly scheduled meeting so the Board may review and determine if a different course of action is warranted. The staff denial of your petition does not preclude the Board from considering your petition or the Council from initiating formal rulemaking proceedings.

Your petition requests the following changes to 22 Tex. Admin. Code § 681.49(h):

(h) An LPC Associate must indicate Associate status on all advertisements, billing, and announcements of counseling treatment by the use of the term "LPC Associate." ~~On all advertisements, billings and announcements of counseling treatment by an LPC Associate, the Associate's name must be followed by the name of the supervisor.~~

Additionally, your petition requests the following changes to 22 Tex. Admin. Code § 681.91(d), (l), and (n):

(d) An LPC Associate may practice counseling only as part of his or her internship and only under the supervision of a Licensed Professional Counselor Supervisor (LPC-S). ~~The LPC Associate may not own an independent professional counseling practice.~~ An LPC Associate may practice marriage and family

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therapy in any setting under supervision, such as a private practice, public or private agencies, hospitals, etc.

~~(l) An LPC Associate must not accept direct payment for services from a client.~~

~~(n) The LPC Associate must not represent himself or herself as an independent practitioner. The LPC Associate's name must be followed by the name of the supervisor on all advertisements, billings, and announcements, including but not limited to websites and intake documents.~~

Rules 681.49 and 681.91 cannot be amended as requested in your petition because these proposed amendments will frustrate the general purpose behind these rules. As you are aware, an LPC-A must practice under the supervision of an LPC-S. An LPC-A is not a license that can be renewed, it is intended to be a transitional license to authorize individuals with the legal authority to provide services under supervision so the individual may obtain the necessary experience to achieve an LPC. The purpose of rule 681.49(h) is to make sure the general public is not misled as to the practice status and authority of an LPC-A. Additionally, the general purpose of rule 681.91(d), (l), and (n) is to establish the boundaries of this supervisory relationship, to make sure the public is appropriately informed, and prevent potential client harm. These proposed changes would not accomplish any of these goals, and would likely create a counterproductive result. Since the benefits of making such suggested changes appear to be far outweighed by the disadvantages, staff must decline the suggested rule amendments.

Sincerely,



Patrick Hyde
General Counsel



DEPARTMENT OF REHABILITATION & HEALTH SERVICES
College of Health and Public Service

Texas State Board of Examiners of Professional Counselors
Attention Christina De Luna
P.O. Box 149347
Mail Code 1982
Austin, Texas 78714-9347

May 12, 2019

Dear Christina De Luna:

I would like to thank the Applications and Supervision Issues Committee Members for their time and diligence in upholding the licensure standards in the state of Texas. I also appreciate the time the board has taken to discuss barriers individuals, including myself have experienced in obtaining licensure as a Licensed Professional Counselor in the State of Texas. Earlier this year, I was granted a hearing in which I requested the board review excess hours that I had accumulated during my PhD. program in counselor education, to determine whether these hours could be considered toward the 3000 required for LPC status. This request was denied due to a prior rule adopted by the board in August of 2017. During my hearing, the board noted that I could petition the board to adopt a new rule. Below I have outlined the details of this request following the format proposed in Rule §681.16.

Brief explanation of and justification for the proposed rule

I am requesting that the Board reduce the number of direct and indirect hours required for LPC licensure for individuals who graduate from a CACREP accredited PhD. program in counselor education by 50% (i.e. 750 direct hours, 750 indirect hours). Currently, at least 12 states (*see appendix I*) offer reduction in hours for educational credits accumulated after counseling professionals have graduated from an accredited master's program. A PhD. in counseling is a terminal degree, that of which requires an additional 3-4 years of counselor education, in addition to the 60 hours currently required for a master's degree in counseling. These programs require students to engage in a rigorous curriculum that involves clinical experiences in addition to the educational components.

Text of the proposed rule prepared in a manner to indicate the words to be added or deleted from the current text.

RULE §681.92 Experience Requirements (Internship)

The supervised experience must include at least 1,500 clock-hours of direct client counseling contact. Applicants who have obtained a PhD. from a CACREP accredited program will be required to obtain 750 hours of direct client counseling contact and 750 indirect hours. Only actual time spent counseling may be counted.

Statement of the statutory or other authority under which the rule is to be promulgated

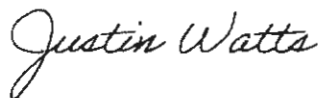
Texas State Board of Examiners of Professional Counselors

Public benefit anticipated as a result of adopting the rule or the anticipated injury or inequity which could result from failure to adopt the proposed rule.

I am asking the board to consider an additional pathway toward counseling competence, one which emphasizes the utility of education in enhancing counselor's capacity to provide ethical and evidence-based services to clients. Making these provisions, would include highly trained and skilled practitioner/educators in the field, and would benefit counseling practice and counselor education greatly. Unfortunately, I alongside many of my colleagues have not pursued licensure in the State of Texas because of the demands of our academic appointments. In this case, individuals who choose to pursue a terminal degree in Counselor Education prior to applying for licensure, do not have the ability to count these educational experiences toward any decrease in hour requirements. During my PhD. program in Counselor Education, I accumulated over 514.5 direct hours and 804 indirect hours in addition to the 72 credits of coursework over a 4 year period. Personally, I am pursuing licensure, and accumulating hours because I wish to keep my education of counselors in training relevant, and because licensure is an important part of my professional identity. This practice also allows me to ensure I am up to date on what is happening in the area of service provision, which greatly informs my research and teaching.

I want to thank you all for your time, consideration, and dedication to upholding high standards for the field that I am so passionate about. I ask that you please consider our overall goal of training, maintaining accountability, and setting high standards for our field, while also keeping in mind that competence can be gained through both education and practice.

Sincerely,



Justin R. Watts Ph.D. NCC, CRC, LPC-Intern
Assistant Professor
Department of Rehabilitation and Health Services
College of Health and Public Service
The University of North Texas

Contact information:

Address: [REDACTED]
Phone: [REDACTED]
Email: [REDACTED]

Appendix 1: States allowing hour concessions for post-masters educational attainment toward LPC licensure

State	Educational Requirements	Experiential Requirements
Alabama	Master's degree or higher in counseling from a CACREP or CORE accredited program, or the content equivalent, with a minimum of 48 graduate semester hours (or 72 graduate quarter hours) from a regionally accredited academic institution.	3,000 hours of supervised experience in professional counseling with board approved supervision. An applicant may subtract 1,000 hours of the required professional experience for every 15 graduate semester hours (or 22.5 quarter hours) obtained beyond the master's degree from a regionally accredited academic institution, provided that the coursework is clearly related to the field of professional counseling. This formula may be used for up to 2,000 hours.
Arkansas	Master's degree or higher in counseling from a program that reflects the CACREP or CORE curriculum and consists of 60 semester hours from a regionally accredited institution.	3 years/3,000 hours of postmaster's supervised counseling experience (1 year = 1,000 hours). One year of experience may be gained for each 30 semester hours earned beyond master's degree (up to 2 years) provided the hours are clearly counseling in nature and acceptable to the board. Supervision must be under a board approved supervisor.
Delaware	Master's degree or higher, including a minimum of 48 semester hours. Must also be certified by NBCC as a National Certified Counselor (NCC), or certified by another national mental health specialty certifying organization approved by the board.	2 years/3,200 hours of full-time clinical professional counseling experience to be completed within a 4 year period. 1,600 hours must be professional direct supervision acceptable to the board (100 hours must be face-to-face supervision). 30 graduate semester hours or more beyond master's degree may be substituted for 1 year/1,600 hours of required experience, provided that hours are clearly related to the field of counseling and acceptable to the board.
Illinois	LCPC Master's degree or higher in professional counseling or a related field from a regionally accredited college/university. OR Hold a current Certified Clinical Mental Health Counselor (CCMHC) credential issued by NBCC (meets all requirements for licensure as an LCPC). Note: Certain other certifications meet all or part of LPC or LCPC licensure requirements; please contact board for more information. LPC Master's degree or higher in professional counseling or related field of at least 48 semester hours from a regionally accredited college/ university in a program approved by the IL Dept. of Professional Regulation. CACREP and CORE accredited programs in professional counseling are approved programs for both LPC and LCPC licensure.	LCPC 2 years/3,360 hours of fulltime, satisfactory, supervised employment or experience working as a clinical professional counselor in a professional capacity under the direction of a qualified supervisor, subsequent to degree. 1,920 hours must be direct face-to-face service to clients. One year = maximum of 1,680 hours, including 960 hours of direct face-to-face service to clients. If applicant holds a doctoral degree, one year must be subsequent to the degree and internships may count towards professional experience.
Louisiana	Master's degree or higher, the substance of which is professional mental health counseling in content, from a regionally accredited institution, with 48 semester hours	2 years/3,000 hours of postmaster's supervised experience in professional mental health counseling under the clinical supervision of a board approved supervisor, to be completed in no more than 7 years. Hours to include: 1,900 - 2,900 hours of direct client

	and coursework in 8 content areas OR completion of a CACREP accredited counseling program. Completion of a supervised practicum (100 hours) and a supervised internship (300 hours) in mental health counseling	contact in individual or group counseling; A maximum of 1,000 hours additional client contact, counseling related activities or education at the graduate level in the field of mental health; and A minimum of 100 hours of face-to-face supervision. Only 50 hours may be group supervision. 500 hours of supervised experience may be gained for each 30- graduate semester hours beyond master's degree, but must have no less than 2,000 hours of supervised post-master's experience.
Maryland	Master's degree or higher in professional counseling or related field from an accredited educational institution, with a minimum of 60 graduate semester hours in specific coursework, including completion of an alcohol and drug counseling course and supervised field experience. OR Doctoral degree with a minimum of 90 graduate semester hours in counseling training approved by the board.	3 years/3,000 hours of supervised clinical experience in professional counseling (2 years/2,000 hours must be post-masters). 1,500 hours must be face-to-face client contact and 100 hours minimum of face-to-face clinical supervision. Supervision must be under a board approved supervisor. If obtained a doctoral degree: 2 years/2,000 hours of supervised clinical experience in professional counseling (1 year/1,000 hours must be postdoctorate). 1,000 hours must be face-to-face client contact and 50 hours minimum of face-to-face clinical supervision. Supervision must be under a board approved supervisor.
Michigan	Master's degree or higher in professional counseling from a program that reflects the CACREP curriculum, including a minimum of 48 semester hours and a 600 clock hour internship.	2 years/3,000 hours of postdegree supervised counseling experience. To include a minimum 100 hours under the immediate physical presence of the supervisor. Supervision must be under an LPC. For persons with 30 semester hours or 45 quarter hours beyond the master's degree: 1 year/1,500 hours postdegree supervised experience. To include a minimum of 50 hours under the immediate physical presence of the supervisor. Supervision must be under an LPC. *Supervisors of LLPCs are required to have training in supervision.
Missouri	Master's degree or higher in counseling, counseling psychology, clinical psychology, or school psychology from a regionally accredited college/university, with at least 48 semester hours reflecting the CACREP or CORE curriculum and a practicum, internship, or field experience consisting of 6 semester hours in the practice of counseling.	2 years/3,000 hours of postmaster's continuous counseling experience (full or part-time), to be completed within 60 months. 1,200 hours must be direct client contact. 15 hours of supervised counseling experience per week is required, with 1 hour a week of face-to-face supervision. 30 hours of postmaster's study may be substituted for 1,500 of the 3,000 hours. If obtained a doctorate or specialist's degree: 1 year/1,500 hours of counseling experience (full or part-time), to be completed within 36 months. 600 hours must be direct client contact. 15 hours of supervised counseling experience per week is required, with 1 hour a week of face-to-face supervision. Supervision must be under an LPC or licensed psychologist or psychiatrist.
New Jersey	Minimum of 60 graduate semester hours which includes a master's degree in counseling from a regionally accredited institution of higher education (45 of the 60 graduate semester hours must be distributed in 8 of the 9 defined course content areas). As of April 20, 2006, an acceptable graduate degree means that the word "counseling" or	LPC 3 years/4,500 hours of full-time supervised counseling experience in a professional counseling setting, 1 year of which may be obtained prior to the granting of the master's degree. 1 year/1,500 hours of experience may be eliminated by substituting 30 graduate semester hours beyond the master's degree. In no case may an applicant have less than 1 year of post-master's supervised work experience.

	the word "counselor" appears in the title of the graduate degree awarded and that the institution offering the degree states in the catalog or in another format acceptable to the committee that the purpose of the graduate degree is to prepare students for the professional practice of counseling.	
Oklahoma	Master's degree or higher in counseling or a related mental health field, with 60 graduate semester hours (or 90 quarter hours) from a regionally accredited college/university. Completion of coursework in 10 areas and a counseling practicum/internship of 300 clock hours. The board will define what qualifies as counseling related.	3 years/3,000 hours of fulltime post-application professional counseling experience supervised by an approved LPC Supervisor. For each 1,000 hours, 350 hours must be direct face-to-face contact. Face-to-face supervision must be 45 minutes for every 20 hours of experience. Up to 2 years of required experience may be gained at a rate of 1 year for each 30- graduate semester hours beyond the master's degree, provided that such hours are clearly related to the field of counseling and acceptable to the board. The applicant shall have no less than 1 year of supervised full-time experience in counseling.
Pennsylvania	Successful completion of a planned program of 60 semester hours (or 90 quarter hours) of graduate coursework in counseling or a field closely related to the practice of professional counseling, including a 48 semester hour (or 72 quarter hour) master's degree in professional counseling or in a field closely related to the practice of professional counseling. OR Doctoral degree in counseling or in a field closely related to the practice of professional counseling. AND for both: Completion of coursework in 9 core areas including a supervised practicum (100 hours) and internship (600 hours). The supervised internship experience shall begin after completion of the supervised practicum experience.	3 years/3,600 hours of supervised clinical experience after completing 48 graduate level credits (or 72 quarter hours). If obtained a doctoral degree in counseling: 2 years/2,400 hours of supervised clinical experience. 1 year/ 1,200 hours must be obtained postdegree. Supervision must be provided by a qualified supervisor. At least 1,800 hours must be completed under an LPC that has 5 years of experience within the last 10 years as a professional counselor. The remaining hours may be completed under an individual that holds a license and has at least a master's degree in a related field and 5 years of experience within the last 10 years in that field.

West Virginia	<p>Master's degree or higher from a program accredited by CACREP or CORE, or a comparable accrediting body, that includes 60 graduate semester hours (or 90 quarter hours) and a practicum and internship. Acceptable graduate degrees include a specialization in community agency counseling, mental health counseling, pastoral counseling, rehabilitation counseling, school counseling, and substance abuse or addictions counseling. Similar degrees that include the word "counseling" and include specific coursework, and are determined by the board to be a closely related field, are also acceptable.</p>	<p>2 years/3,000 hours of postmaster's supervised professional counseling experience. If obtained a doctoral degree: 1 year/1,500 hours of postdegree supervised professional counseling experience. At least 50% of the supervised counseling experience must be in the direct provision of counseling services to clients. A minimum of 1 hour of direct individual supervision is required for every 20 hours of practice. Supervision must be under a board approved professional.</p>
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Source: American Counseling Association (2009)

COMPLAINT NO.S 1061-15-0210, 1061-17-0044 AND 1061-17-0105

IN THE MATTER OF	§	BEFORE THE TEXAS BEHAVIORAL
	§	HEALTH EXECUTIVE COUNCIL
	§	THE TEXAS STATE BOARD OF
	§	EXAMINERS OF PROFESSIONAL
ALICIA M STEWART	§	COUNSELORS

AGREED ORDER

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

FINDINGS OF FACT

1. Respondent is a Licensed Professional Counselor (LPC) (#66243) and is therefore subject to the ACT and Rules.
2. On or about August 11th, 2014 through July 1, 2015, the Respondent had multiple counseling sessions, to include individual and group counseling sessions, and failed to complete and/or maintain client records for each client session pursuant to the Council rules.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of the Acts (Tex. Occ. Code Chpts. 503 and 507) and the Rules of the Council (22 Tex. Admin. Code pts. 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 Act.
3. Based upon the Findings of Fact, the Board finds that the Respondent violated Council Rules 22 Tex. Admin. Code §§681.41 (q).
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, by signing this Agreed Order, hereby voluntarily and permanently RESIGNS her license (#66243) in lieu of further adjudication by the Council on these matters.
2. Respondent shall return his or her license to the Council no later than fourteen (14) days after the date this order is ratified.
3. The Council will not consider and 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.
4. If Respondent seeks to apply for a licensure 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

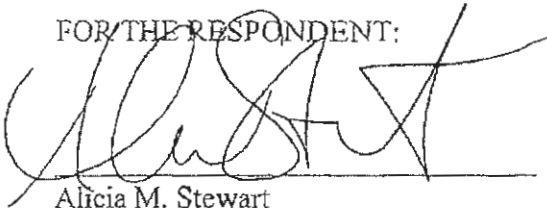
RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

On the underlying investigative file, Respondent has waived his or her right to any further informal settlement conference, 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:



Alicia M. Stewart
487 County Road 2766
Mineola, TX 75773

FOR THE STAFF OF THE COUNCIL



John Marshall Bridges
Texas Bar No. 24006898
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, TX 78701

DATE SIGNED: 11/3/2020

DATE SIGNED: 11/Nov/2020

APPROVED, RATIFIED, AND ENTERED THIS 13th DAY OF November, 2020



Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINTS NO.S 1061-16-0044 AND 1061-16-0045

IN THE MATTER OF	§	BEFORE THE TEXAS STATE BOARD
	§	
	§	OF EXAMINERS
	§	
DENISE BUTLER	§	OF PROFESSIONAL COUNSELORS

AGREED ORDER

Pursuant to its authority under §507.305 of the Texas Occupations Code, 22 Texas Administrative Code §884.12(c)(1)(E), and §2001.056 of the Government Code, the Executive Director for the Behavioral Health Executive Council (“Council”) on behalf of the Texas State Board of Examiners of Professional Counselors (the Board) hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order, which have been approved and accepted by **Denise Butler** (Respondent) and which constitutes a full settlement and compromise of the complaint currently pending against Respondent before the Board and Council in the above-referenced and numbered matter.

FINDINGS OF FACT

1. Respondent is a Licensed Professional Counselor (LPC) (#68657) and is therefore subject to the ACT and Rules.
2. On or about March 4, 2015, the Respondent, in an attempt to respond to a request for sexual therapy assistance, exchanged text messages of a sexual nature with the father of a minor client that was receiving services from the Respondent.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of the Acts (Tex. Occ. Code Chpts. 503 and 507) and the Rules of the Council (22 Tex. Admin. Code pts. 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 Act.
3. Based upon the Findings of Fact, the Board finds that the Respondent violated Council Rules 22 Tex. Admin. Code §§681.41 (m) (2), (7).
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.

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 Tex. Gov't Code Ann., Ch. 2001, in exchange for the conditions set out in this Agreed Order.

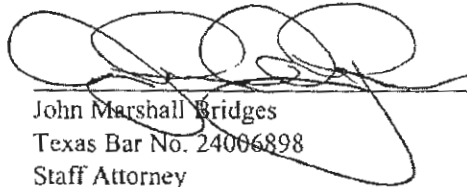
THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES 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:



Denise Butler
1216 3rd Street
Argyle, Texas 76226

FOR THE STAFF OF THE COUNCIL

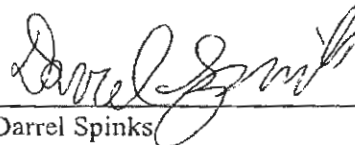


John Marshall Bridges
Texas Bar No. 24066898
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, TX 78701

DATE SIGNED: 9/24/20

DATE SIGNED: 9/28/2020

APPROVED, RATIFIED, AND ENTERED THIS 28th DAY OF September, 2020



Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 1061-19-0017

IN THE MATTER OF	§	BEFORE THE TEXAS BEHAVIORAL
	§	HEALTH EXECUTIVE COUNCIL
	§	
	§	THE TEXAS STATE BOARD
	§	OF EXAMINERS OF
LINDSAY MCDERMOTT	§	LICENSED 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 **LINDSAY MCDERMOTT** (“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 (#72300) in the State of Texas and is therefore subject to the jurisdiction of the Council.
2. During 2017, Respondent failed to maintain professional boundaries by engaging in a nontherapeutic relationship with a client including sexual misconduct.

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 Tex. Admin. Code § 681.41(l); 681.41(m)(1); 681.42(b)(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.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Probated Suspension. Respondent's license is SUSPENDED for a period of three (3) years from the effective date of this order. However, the three (3) years of suspension shall be PROBATED, so long as Respondent complies with all state and federal statutes and regulations pertaining to the practice of professional counselors. 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.
2. Continuing Education. Respondent, during the period of probation, shall complete and submit proof of completion of twelve (12) hours of professional development relating to Ethics, and twelve (12) hours of professional development relating to Healthy Boundaries and/or Trauma. Respondent will pay all costs of the coursework.
3. Personal Therapy. Respondent shall, within fourteen (14) days of the effective date of this order, submit to the Council, or its designee, the name and qualifications of a therapist who has agreed to provide Respondent therapy. Respondent may elect to continue therapy with the therapist she was seeing as reported in the Informal Settlement Conference of October 30, 2020, so long as that therapist, or any other of her choosing, is: (1) a Texas-licensed professional counselor and/or marriage and family therapist with no record of disciplinary actions; and (2) has no business, professional, personal, or other relationship with Respondent that would interfere with the therapist's function or duties. The frequency of the therapy shall be as agreed to by Respondent and the therapist.
4. Practice Monitor. Respondent shall be required to practice under the supervision of a practice monitor (hereinafter, "supervisor" or "monitor") for the period of probation. Respondent shall, within fourteen (14) days of the effective date of this order, submit to the Council, or its designee, for approval the name and qualifications of: (1) a Texas-licensed professional counselor and/or marriage and family therapist with no record of disciplinary actions who (2) has no business, professional, personal, or other relationship with Respondent that would interfere with the therapist's function or duties, and who (3) possess specialized knowledge, education and experience in the same field of practice as that of Respondent.

Contract and Plan. Once approved, the supervisor 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.

Frequency of Monitoring & Execution of Release. Monitoring shall consist of at least one

(1) hour of individual meetings every week for 90 days following the effective date of this order. Thereafter, the Respondent and the supervisor shall meet monthly or quarterly, as agreed to by the Respondent and the supervisor. The Respondent shall provide the supervisor with a copy of this Order and access to Respondent's records. Respondent shall execute a release authorizing the supervisor to divulge any information the Council or its designee may request.

Quarterly Monitoring Reports. It shall be Respondent's responsibility to assure the supervisor submits quarterly 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.

Recommendations of Supervisor. In the event Respondent's supervisor indicates that Respondent is fit to practice as a professional counselor, but makes recommendations concerning reasonable steps Respondent must or should take to enhance or maintain Respondent's fitness to practice as a professional counselor, Respondent shall comply with any and all recommendations made by Respondent's supervisor. 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 supervisor 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.

Changing Supervisors. If the supervisor cannot continue the monitoring engagement, Respondent shall obtain approval from the Council or its designee for a new supervisor. If no new practice monitor is approved, Respondent shall not practice until a new practice monitor has been approved. Respondent shall pay all costs associated with this practice monitoring requirement.

RESPONDENT AGREES THAT ANY FAILURE TO COMPLY WITH THE PRACTICE MONITORING REQUIREMENTS SHALL CONSTITUTE IMMEDIATE GROUNDS FOR REVOCATION OF RESPONDENT'S LICENSE.

WARNING

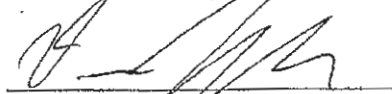
RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

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:


Dan Lyne
Attorney for Respondent
Leichter Law Firm
1602 E 7th Street
Austin, Texas 78702


DATE SIGNED: 11/19/20

AGREED: 

Lindsay McDermott #72300
Respondent

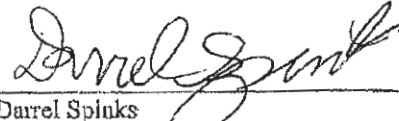
DATE SIGNED: 11/18/2020

FOR THE STAFF OF THE COUNCIL:


Mary Kay Sicola
Texas Bar No. 18339800
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 11/19/2020

APPROVED, RATIFIED, AND ENTERED THIS 19th DAY OF November, 2020



Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 1061-14-0011

IN THE MATTER OF

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BEFORE THE TEXAS BEHAVIORAL
HEALTH EXECUTIVE COUNCIL

THE TEXAS STATE BOARD
OF EXAMINERS OF

MICHAEL MCGEE

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 **MICHAEL MCGEE** (“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 (License #66382) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent was indicted for and pleaded guilty to Sexual Assault of a Child, a Second Degree Felony, alleged to have occurred on or about September 18, 2013. He pleaded guilty to that charge and was sentenced to ten (10) years deferred adjudication probation. *The State of Texas v. Michael McGee, No. 20130D04851* in the 171st District Court of El Paso County, Texas.

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 and 507.301 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated Council Rules Respondent’s acts or omissions as described herein constitute a violation of 22 Tex. Admin. Code § 681.164 (c) and (d)(4), and Tex. Occ. Code § 53.021(d)(1)(A).

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent, by signing this Agreed Order, hereby voluntarily and permanently **RESIGNS** his or her license as a professional counselor (License #66382) in lieu of further adjudication by the Council on these matters.
2. Respondent shall return his or her license to the Council no later than fourteen (14) days after the date this order is ratified.
3. 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 two (2) years from the effective date of this Order.
4. If Respondent seeks to apply for a license with the Council in the future, 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.

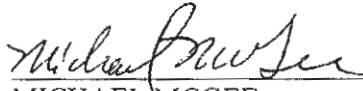
WAIVERS

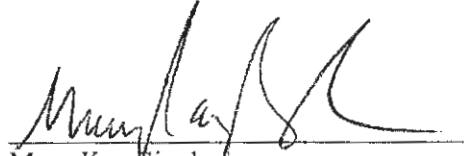
On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange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

FOR THE STAFF OF THE COUNCIL:

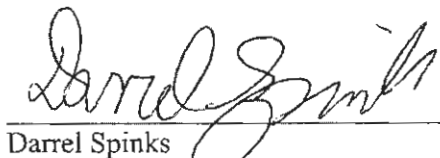

MICHAEL MCGEE
1121 Hunter Drive
El Paso, Texas 79915-1645


Mary Kay Sicola
Texas Bar No. 18339800
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 10/05/2020

DATE SIGNED: 10/6/2020

APPROVED, RATIFIED, AND ENTERED THIS 9th DAY OF October, 2020.


Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 1061-17-0029

IN THE MATTER OF

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BEFORE THE TEXAS BEHAVIORAL
HEALTH EXECUTIVE COUNCIL

RUTH RACHEL VENDSEL

THE TEXAS STATE BOARD
OF EXAMINERS OF
LICENSED PROFESSIONAL
COUNSELOR

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(c), 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 **Ruth Rachel Vendsel** ("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 Licensed Professional Counselor (#71304) in the State of Texas and is, therefore, subject to the jurisdiction of the Council under The Acts.
2. On or about May 19, 2014 through September 30, 2014, the Respondent entered a non-therapeutic relationship with a client who she had known prior to that time.
3. On or about September 16, 2015, the Respondent failed to obtain a signed copy of consent for a third-party individual to join a couples' session. The third-party individual, who was not a licensed counselor, was then allowed to lead the session.
4. On or about October 20, 2016 and March 17, 2017, the Respondent failed to respond to the Board's request for the billing records of the client.
5. On or about September 16, 2015, the Respondent diagnosed a client with a Borderline Personality Disorder without the benefit of an appropriate and necessary evaluation to properly diagnosis the client. The Respondent caused further emotional to the client by speaking of the diagnosis in conversation with the client's husband and a third-party individual.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of the Acts (Tex. Occ. Code Chs. 503 and 507) and the Rules of the Council (22 Tex. Admin. Code pts. 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 Act.
3. Based on the above Findings of Fact, the Board finds that Respondent violated Council Rules 22 TAC Section 681.41.
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 this Agreed Order, Respondent does not admit to the foregoing Findings of Fact or Conclusions of Law and 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 two (2) years from the effective date of this order. However, the two (2) years of suspension shall be **PROBATED**, so long as Respondent complies with all state and federal statutes and regulations pertaining to the practice of Licensed 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.
2. Respondent, within six (6) months of the date this order is signed shall complete and submit proof of completion of six (6) hours of continuing education (CE) on the subject of Texas Health & Safety Code Chapter 611. Respondent will pay all costs of the coursework.
3. Respondent, within six (6) months of the date this order is signed shall complete and submit proof of completion of six (6) hours of continuing education (CE) on the subject of Boundaries. 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 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:

R. Rachel Vendsel
Ruth Rachel Vendsel
1114 Sunny Creek Lane
Eules, Texas 76040

FOR THE STAFF OF THE COUNCIL:

Rae-Ann Allong
Rae-Ann Allong
Texas Bar No. 0110400
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 11-02-2020

DATE SIGNED: 11/17/2020

APPROVED, RATIFIED, AND ENTERED THIS 17th DAY OF November, 2020.

Darrel Spinks
Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 1061-18-0172

IN THE MATTER OF

TAMMY BOTELLO

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BEFORE THE TEXAS BEHAVIORAL
HEALTH EXECUTIVE COUNCIL

THE TEXAS STATE BOARD
OF EXAMINERS OF 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 **Tammy Botello** ("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 Licensed Professional Counselor- Supervisor (#19232) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent failed to timely respond to the Board's request for information on or about July 16, 2018, February 28, 2019, March 7, 2019, and March 29, 2019.

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 681.46(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 admit the foregoing Findings of Fact or Conclusions of Law and agrees to resolve this matter to avoid the expense.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent's license is hereby REPRIMANDED.

WARNING

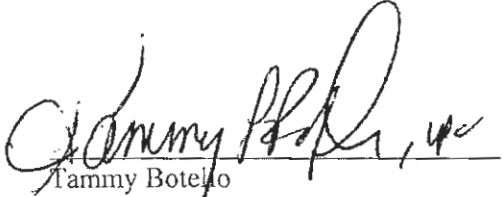
RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

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.

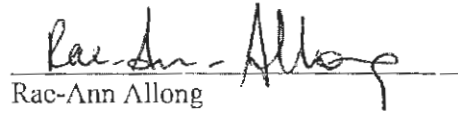
FOR THE RESPONDENT:



Tammy Botello
2004 Winter Pass Trail
Arlington, Texas 76002

DATE SIGNED: 10/12/2020

FOR THE STAFF OF THE COUNCIL:



Rac-Ann Allong
Texas Bar No. 01100400
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 10/21/2020

APPROVED, RATIFIED, AND ENTERED THIS 13th DAY OF November, 2020.



Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

T.B.H.E.C.

COMPLAINT NO. 1061-18-0057

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IN THE MATTER OF

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BEFORE THE TEXAS BEHAVIORAL
HEALTH EXECUTIVE COUNCIL

THE TEXAS STATE BOARD OF
EXAMINERS OF
PROFESSIONAL COUNSELORS

VANESSA HAMLETT, LPC

AGREED ORDER

Pursuant to its authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(c), 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 **Vanessa Hamlett** (Respondent) and which constitutes a full settlement and compromise of the complaint currently pending against Respondent before the Council in the above-referenced and numbered matter.

FINDINGS OF FACT

1. Respondent is licensed as a counselor (#18745) in the State of Texas and is, therefore, subject to the jurisdiction of the Council under the Act.
2. Respondent entered into a non-professional relationship a client’s family member when she signed a lease with a client’s mother in 2018.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of the Acts (Tex. Occ. Code Chpts. 503 and 507) and the Rules of the Council (22 Tex. Admin. Code pts. 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 Act.
3. Based on the above Findings of Fact, the Council finds that Respondent violated Council Rules 22 Tex. Admin. Code §681.41 (m)(7).
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, within ninety (90) days of the effective date of this order, shall complete and submit proof of completion of six (6) hours of professional development relating to boundaries in relation to therapeutic relationships. 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.

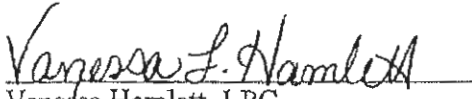
WAIVERS

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 Tex. Gov't Code Ann., Ch. 2001, in exchange for the conditions set out in this Agreed Order.

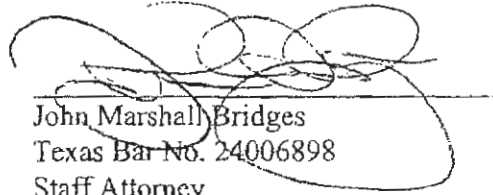
THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES 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:

FOR THE STAFF OF THE COUNCIL:



Vanessa Hamlett, LPC
7705 Four Winds Dr.
Fort Worth, TX 76133

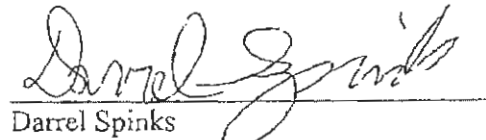


John Marshall Bridges
Texas Bar No. 24006898
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 11/13/2020

DATE SIGNED: 11/17/2020

APPROVED, RATIFIED, AND ENTERED THIS 17th DAY OF November, 2020.



Darrel Spinks
Executive Director
Texas Behavior Health Executive Council

12A

Dismissals for February 2021 TSBEPC Board Meeting

Cases Dismissed by Staff

- | | | |
|----------------------|------------------|----------------------|
| 1) 1061-18-0304 | 28) 1061-18-0236 | 55) 1061-17-0033 |
| 2) 1061-16-0235 | 29) 1061-18-0243 | 56) 1061-17-0252 |
| 3) 1061-16-0069 | 30) 1061-20-0214 | 57) 2021-00028-83478 |
| 4) 1061-17-0109 | 31) 1061-18-0182 | 58) 1061-17-0164 |
| 5) 1061-17-0265 | 32) 1061-16-0237 | 59) 2020-00138-05157 |
| 6) 1061-16-0249 | 33) 1061-16-0121 | 60) 2020-00154-30974 |
| 7) 1061-17-0251 | 34) 1061-17-0306 | 61) 1061-16-0153 |
| 8) 1061-17-0189 | 35) 1061-17-0304 | 62) 1061-18-0323 |
| 9) 1061-17-0247 | 36) 1061-17-0120 | 63) 1061-18-0310 |
| 10) 1061-17-0273 | 37) 1061-17-0124 | 64) 1061-18-0335 |
| 11) 1061-18-0255 | 38) 1061-17-0138 | 65) 2021-00045-66366 |
| 12) 1061-18-0196 | 39) 1061-18-0241 | 66) 1061-18-0014 |
| 13) 1061-16-0288 | 40) 1061-16-0134 | 67) 1061-17-0048 |
| 14) 2020-00146-61541 | 41) 1061-17-0279 | 68) 1061-17-0183 |
| 15) 1061-17-0121 | 42) 1061-18-0042 | 69) 1061-18-0319 |
| 16) 1061-06-0211 | 43) 1061-18-0257 | 70) 1061-16-0216 |
| 17) 1061-16-0284 | 44) 1061-16-0114 | 71) 1061-18-0078 |
| 18) 1061-16-0253 | 45) 1061-19-0305 | 72) 1061-19-0318 |
| 19) 1061-18-0265 | 46) 1061-18-0276 | 73) 1061-20-0045 |
| 20) 1061-16-0221 | 47) 1061-18-0275 | 74) 1061-17-0193 |
| 21) 2021-00006 | 48) 1061-16-0138 | 75) 1061-18-0083 |
| 22) 1061-18-0214 | 49) 1061-18-0282 | 76) 1061-18-0145 |
| 23) 1061-18-0092 | 50) 1061-18-0193 | 77) 1061-17-0109 |
| 24) 1061-18-0299 | 51) 1061-17-0005 | 78) 1061-17-0213 |
| 25) 1061-20-0265 | 52) 1061-20-0266 | 79) 1061-13-0064 |
| 26) 1061-18-0195 | 53) 1061-17-0217 | 80) 1061-13-0077 |
| 27) 1061-18-0194 | 54) 1061-16-0242 | |

Cases Dismissed by Staff

1) 18-0304

The Complainant states the Respondent engaged in a dual relationship with a client.

The Respondent has denied having contact with the former client. However, during the course of the investigation, it was revealed the Respondent failed to maintain accurate records in this matter.

There is insufficient evidence to substantiate a violation of an improper relationship with a client. The Respondent has agreed to take continuing education on the subject of Record Keeping. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

2) 16-0235

The Complainant states the Respondent failed to report the misconduct of another licensee and failed to timely release records after receiving a written request.

The Respondent states she did was not made aware of the identity of the licensee, and the client, until shortly before the Complainant's last session and had not reported it for this reason. During the course of the investigation, it was revealed the Respondent failed to maintain accurate records in this matter.

The Respondent has agreed to take continuing education on the subjects of Ethics and Record-Keeping. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

3) 16-069

The Complainant states the Respondent fabricated events that transpired during his visitations with his children.

There is insufficient evidence to substantiate a violation, however, the Respondent failed to cooperate with the investigation by not providing a written response to the allegations. The Respondent has agreed to take continuing education on the subject of Ethics. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

4) 17-109

The Complainant states the Respondent refused to provide records after receiving a written request.

The Respondent has agreed to take continuing education on the subject of Record Keeping. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

5) 17-0265

The Respondent failed to report receiving deferred adjudication probation.

The Respondent has agreed to take continuing education on the subject of Ethics. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

6) 16-0249

The Complainant states the Respondent billed for services, under a different name, and as a counselor while also providing services as a facilitator.

The Respondent states she submitted a name change to the Board in 2008 when she got married. She denies billing for counseling services while providing services as a facilitator, as she did not provide any counseling services. Staff spoke with the Respondent and believes this to be a misunderstanding. The case was closed with a Warning letter, advising the Respondent to be aware of her duties as a facilitator.

7) 17-0251

The Respondent self-reported purchasing items for a former minor client.

Staff spoke with the Respondent and took into consideration the matter being self-reported and no other complaints filed against her. The purchasing of the items was meant to help not only the former client but the family as well as they were struggling. The Case was closed with a Warning letter.

8) 17-0189

The Complainant states the Respondent failed to obtain a signed consent for services. During the investigation, it was revealed in the Respondent's name and the name being used for services.

Staff spoke with the Respondent, where it was discovered there were extenuating circumstances in failing to obtain signed consent. Also, the Respondent had corrected the discrepancies regarding her legal name. This case was closed with a Warning letter.

9) 17-0247

The Complainant states the Respondent told a client to cease taking medication, resulting in the client being hospitalized.

The Respondent states that as Team Leader, his role is of supervisor over the case managers who provide services to clients. He does not provide direct services to clients and would only instruct the case managers to follow the most recent orders from the client's doctor.

There is insufficient evidence to substantiate a violation. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

10) 17-0273

The Complainant states the Respondent failed to report child-abuse when a client confessed to taking illegal substances.

The Respondent states the client did admit to using substances in the past but there was no indication on whether she continued to use them, and there was no discussion of a minor using any substances. There was no reason to believe that children were at imminent risk of harm.

There is insufficient evidence to substantiate a violation. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

11) 18-0255

The Complainant states the Respondent alienated him from his children and failed to update him on their progress in sessions.

The Respondent states the children were domestic abuse victims, allegedly caused by the Complainant. Their relationship had been severely damaged due to the abuse and the Complainant "alienated" himself. There were attempts to incorporate the Complainant into sessions but was often challenging to work with as he would stray away from the topic.

Lastly, there is no written request from the Complainant requesting any updates in progress.

There is insufficient evidence to substantiate a violation. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

12) 18-0196

The Complainant states the Respondent informed him that she wanted to have sex and gifted him items valued at over \$50. The Complainant submitted additional information after the initial complaint in which he stated that he now felt the Respondent did not violate any code of ethics and he had no proof of a violation. In another later submission, he stated that he had an intimate relationship with the Respondent, but not a physical one.

The Respondent states the Complainant had stalked her and ended services when it seemed he was attempting to kiss her. The Complainant continued attempts to communicate with the Respondent online and in person. She was able to obtain a permanent protection order against the Complainant.

There is insufficient evidence to substantiate a violation. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

13) 16-0288

The Complainant states the Respondent practiced outside her scope when she requested a client complete an Ethyl glucuronide test, to be evaluated for court proceedings.

The investigation into this matter revealed the Respondent was serving as a court-appointed Guardian Ad Litem, and not as a licensee. Making this matter non-jurisdictional. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

14) 20-146

The Complainant states the Respondent broke confidentiality by revealing the mental health recommendation to the Complainant's ex-husband. In addition, her ex-husband had previously worked for the Respondent in creating a website.

The Respondent was not asked to respond. Staff contacted the Complainant for additional information, in which she stated she did not have any evidence to support her allegations.

There is insufficient evidence to substantiate a violation and a lack of cooperation from the Complainant. For these reasons, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

15) 17-0121

An anonymous complainant states the Respondent left client information on a public computer and was found by a client.

The Respondent denies leaving data open for others to view. The computer in this reference is located locked area that is only accessed by clinicians, clients are not permitted in the area.

There is insufficient evidence to substantiate a violation. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

16) 16-0211

The Complainant states the Respondent breached confidentiality and failed to maintain professional boundaries.

There is insufficient evidence to substantiate a violation. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

17) 16-0284

The Complainant states the Respondent failed to report an outcry of abuse of a minor child.

The Respondent states she was appointed as reunification counselor in this matter and had no cause to believe abuse had occurred.

Without a cause to believe abuse, the Respondent did not have a duty to report. There is also insufficient evidence to substantiate a violation. For these reasons, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

18) 16-253

The Complainant states the Respondent failed to keep accurate billing records.

The Respondent has agreed to take continuing education on the subject of Record Keeping. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

19) 18-265

The Complainant states the Respondent entered a dual relationship with their daughter, by accepting her as a client.

The Respondent denies the allegation and states the client and the Complainant are not family members. She has not provided services to the Complainant in several years.

There is insufficient evidence to substantiate a violation. In addition, the Complainant later asked for this complaint to be withdrawn. For these reasons, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

20) 16-221

The Complainant states the Respondent engaged in a dual relationship by coming online friends with a father of a minor client.

The Respondent has agreed to take continuing education on the subject of Boundaries. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

21) 21-006

The Complainant states she met with the Respondent via Zoom for telehealth sessions and was the Respondent was providing inconsistent and bullying communications.

The Respondent was not asked to respond. The Enforcement Division requested additional information from the Complainant, to support her allegations. The Complainant did not provide any.

There is insufficient evidence to substantiate a violation. For these reasons, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

22) 18-214

The Complainant states a judge ordered her children to receive counseling with their father. One of the children, allegedly, told the Respondent that sessions were making him unhappy and affecting him negatively and one of the children began harming themselves. The Respondent did nothing to stop the sessions.

The Respondent states sessions with the children and their father were going very well initially. However, the children grew angrier toward their father as sessions progressed. When one of the children reported doing self-harm, the Respondent saw no physical signs or evidence of it. Still, the Respondent referred the child to a pediatrician. The Respondent

agreed that group counseling with the father was having a negative impact on the children and wanted to begin individual sessions without him. Shortly after, sessions ended when the pediatrician referred the family to another counselor.

There is insufficient evidence to substantiate a violation. For these reasons, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

23) 18-092

The Respondent was receiving sex offender treatment from the Respondent. He states the Respondent was unable to trust the Respondent because the Respondent once said he would lie to get the answers he wanted while previously employed as a probation officer.

The Respondent states he met the Complainant in 2012 to perform a psychosexual evaluation, after being released from the Texas Department of Criminal Justice. The Respondent denies lying to obtain information as a probation office doing so as a counselor.

There is insufficient evidence to substantiate a violation. In addition, the Respondent provided services to the Complainant as a Licensed Sex Offender Treatment Provider, making this matter non-jurisdictional. For these reasons, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

24) 18-299

The Complainant submitted on behalf of a client, when the client reported the Respondent taking her children to park and out to eat often. The Client also reported once dropped her off and, allegedly, made a sexual innuendo towards her.

The Respondent denies any attempts to solicit any sexual relationship. The Respondent does admit to buying meals for the client and her children, as there were struggling financially. Trips to the park and Ice Cream were found to be effective with the Children.

The information received from the Complainant was hearsay. When contacted for the Client's contact information, the Complainant gave a number that was no longer in service. This case was closed with a Warning letter, advising the Respondent to set and maintain professional boundaries.

25) 20-265

The Complainant states while he was incarcerated, the Respondent refused to have his prescription renewed. In addition, the Respondent had to the Complainant's treating doctor to cancel other prescriptions.

The Respondent was not asked to respond. The Complainant failed to provide any supporting evidence to show how the Respondent caused his doctor to cease the prescriptions. Documents from the facility where the Complainant was incarcerated show the Complainant refused to take some prescriptions and was not reporting any new or worsening symptoms that would require the Doctor to renew the subscription.

There is insufficient evidence to substantiate a violation. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

26) 18-0195

The Complainant and the Respondent were formerly married. The Complainant states the Respondent used the Complainant's confidential records during a court hearing, to make him appear mentally unstable.

The Respondent denies ever providing services to the Complainant. The documents used were part of an ongoing divorce/custody proceeding.

This is a private personal matter between the parties and there is no counselor/client relationship. Lacking jurisdiction and insufficient evidence to substantiate a violation, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

27) 18-0194

The Complainant states the Respondent entered a dual relationship by providing services to her mother.

The Respondent admits to providing family and individual counseling but denies providing individual counseling to the Complainant's mother.

The Complainant sent the Enforcement Division an email stating she no longer was to pursue this complaint. There is also insufficient evidence to substantiate a violation. For these reasons, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

28) 18-0236

The Complainant states the Respondent was appointed to reunify the Complainant, her ex-husband, and their Children. The Complainant was uncomfortable with some situations the Respondent would suggest. Such as having the ex-husband help put the children in the car or riding down the elevator together. She felt unsafe, also felt the Respondent was unwilling to hear what the Complainant was saying.

The Respondent states she was court-appointed as a reunification counselor to rebuild the relationship between the children and their father. The goal being to reconstruct the relationship between the father and the children. She reports taking precautions to protect the Complainant from emotional harm, such as having the father arrive earlier than the Complainant and would only do things the Complainant was comfortable with.

She admits to suggesting everyone, including herself, ride down the elevator together, but the Complainant refused. The Complainant put her fears of the father before the needs of the children and delayed the treatment plan that served the best interest of the children.

There is insufficient evidence to substantiate a violation. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

29) 18-243

The Complainant states he is incarcerated at a facility where he has attempted to contact the Respondent for assistance in receiving prescribed psychiatric medications. The Respondent has failed to respond to his request.

The Respondent states she does not recall ever receiving a written request from the Complainant, as required by TDCJ protocol. She adds that medications were delivered by the nursing staff.

There is insufficient evidence to substantiate a violation. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

30) 20-214

The Complainant states the Respondent was overseeing a Pastoral Counselor, who was seeing the Complainant's daughter for a possible eating disorder. After a few months, the daughter was calling the Pastoral Counselor by his first name, the Complainant found messages between them in which the Pastoral Counselor encourages the daughter to break state and federal law.

The Respondent was not asked to respond. The primary focus of this complaint is the Pastoral Counselor. There is no evidence to show a supervisory relationship between the Pastoral Counselor and the Respondent. There is also a lack of a client/therapist relationship as the daughter was being seen by the Pastoral Counselor and not the Respondent.

There is insufficient evidence to substantiate a violation. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

31) 18-182

The Complainant states the Respondent tried to “fix-up” her son with a client’s niece and was involved with the client's surgeon being advised that the client could not have paid for medication.

The Respondent denies all allegations.

The Enforcement Division contacted the Complainant for additional information. It was revealed the Respondent was providing services as a Licensed Chemical Dependency Counselor in this matter, making it non-jurisdictional. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

32) 16-237

The Complainant states the Respondent refused to sign a document as an LPC Intern.

The Respondent denies the allegation.

The Complainant failed to provide any supporting documentation. There is insufficient evidence to substantiate a violation. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

33) 16-0121

The Respondent failed to update a name change with the Board, within the required timeframe.

The Respondent has agreed to take continuing education on the subject of Record Keeping. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

34) 17-306

The Complainant states the Respondent permitted an unlicensed individual to provide individual and group counseling services and did not report it to the Board.

The Respondent has agreed to take continuing education on the subject of Reporting. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

35) 17-304

The Complainant states the Respondent failed to report an unlicensed individual to provide individual and group counseling services to the Board.

The Respondent has agreed to take continuing education on the subject of Reporting. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

36) 17-120

The Complainant reports the Respondent received information indicating the Respondent had an inappropriate relationship with a Client after the client was discharged.

The Respondent states she was employed as a Psychiatric Rehabilitation Specialist at the time the Client was admitted in the clinic, and she was never the Client's therapist.

The Respondent was not acting as a Licensed Professional Counselor. Lacking jurisdiction, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

37) 17-124

The Complainant reports the Respondent received information indicating the Respondent had an inappropriate relationship with a Client after the client was discharged.

The Respondent states she was employed as a Psychiatric Rehabilitation Specialist at the time the Client was admitted in the clinic, and she was never the Client's therapist.

The Respondent was not acting as a Licensed Professional Counselor. Lacking jurisdiction, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

38) 17-138

The Respondent self-reported she engaged in a dual relationship with a Client after the client was discharged.

The Respondent states she was employed as a Psychiatric Rehabilitation Specialist at the time the Client was admitted in the clinic, and she was never the Client's therapist.

The Respondent was not acting as a Licensed Professional Counselor. Lacking jurisdiction, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

39) 18-241

The Complainant states the Respondent engaged in a dual relationship with a client.

The Respondent states this occurred prior to being licensed by this Board and was acting in the role of a pastor.

Internal records show the Respondent gained licensure after the reported time of this incident. Lacking jurisdiction, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per Rule 884.12(e).

40) 16-134

The Complainant states the Respondent failed to help during counseling sessions with the complainant's minor child. The Complainant states the Respondent was unprofessional and "negative" during counseling sessions with the Complainant and the Complainant's minor child.

The Respondent denies all allegations.

There is insufficient evidence to substantiate a violation. During the investigation, it was discovered that the Respondent may have not maintained complete and accurate records. The case was closed with a Warning letter, advising the Respondent to be to maintain complete and accurate records.

41) 17-279

The Complainant states that the Respondent failed to maintain professional boundaries and failed to maintain client confidentiality.

The Respondent denies the allegations. The Respondent responds that she attended the yoga group in the capacity of a volunteer position as a counselor consultant, with the complainant's youth program.

The Respondent agreed to take three Continuing Education hours on the subject of Confidentiality, and three Continuing Education hours on the subject of Ethics. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

42) 18-0042

The Complainant states that the Respondent failed to maintain professional boundaries with a client.

The Respondent denies all allegations contained in the complaint. The Respondent admitted to providing the client with her telephone number out of concerns for the client's well-being.

The Respondent agreed to take six Continuing Education hours on the subject of boundaries and three Continuing Education hours on the subject of Ethics. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

43) 18-0257

The Complainant states that the Respondent denied the Complainant access to a minor's records.

The Respondent denies the allegations contained in the complaint. The investigation revealed the Respondent did release the records; however, they were released after 15 days have passed.

After speaking with the Respondent, it was revealed that the Respondent misunderstood the requirements for the release of information. The case was closed with a Warning letter, advising the Respond to be timely to a records request.

44) 16-0114

The Complainant states that the Respondent failed to collaborate with a concurrent therapist, the minor child's school counselor while providing counseling services to the minor client.

The Respondent denies the allegations contained in the complaint. The Respondent alleges full cooperation with the CPS counselor. The Respondent also alleges that the Complainant did not provide the contact information for the concurrent therapist.

The Respondent agreed to the non-disciplinary action of a Conditional Letter of Agreement with the requirement of completion of three continuing education hours on the subject of Ethics, within six months of receipt of the CLA. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

45) 19-0305

The Complaint was opened by the LPC Board. The Complainant states that the Respondent permitted an unlicensed supervisee to practice.

The Respondent denies the allegations contained in the complaint. The findings of the investigation revealed that the Board received a Supervisory Agreement Form signed by the Respondent which states "I will verify that my intern has received an LPC Intern License before supervision begins and before he/she is assigned to me as a supervisee". The findings of the investigation revealed that the Respondent may not have verified the intern status.

The Respondent agreed to the non-disciplinary action of a Conditional Letter of Agreement with the requirement of completion of five hours of continuing education on the subject of Supervision, within six months of receipt of the CLA. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

46) 18-0276

The complaint was opened by the LPC Board. The Complainant states that the Respondent aided and abetted an unlicensed practice.

The Respondent admits to the allegations in her written response, where she notes that she mistakenly relied on the Georgia licensure board which permitted the arrangement. This

was instead of the Texas LPC Board, which has a different set of rules for supervision and LPC intern licensure.

The Respondent agreed to the non-disciplinary action of a Warning Letter. The complaint was closed with a Warning Letter, advising the Respondent to be more mindful of the requirements of Texas licensure. The Respondent was noted as cooperative with the Board's investigation, and per the details of the Warning Letter, it was determined that there are no findings of wrongdoing by the licensee, as this was deemed as a mistake that has not been repeated. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

47) 18-0275

The complaint was opened by the LPC Board. The Complainant states that the Respondent engaged in unlicensed practice.

The Respondent denies the allegations contained in the complaint. The findings of the investigation revealed that the Respondent may have failed to obtain a provisional license from the TSBEP prior to practicing in 2015. The Respondent indicates that she mistakenly relied on the Georgia licensure board which permitted the internship arrangement, instead of the Texas LPC Board, which has a different and stringent set of rules.

The Respondent agreed to the non-disciplinary action of a Warning Letter. The complaint was closed with a Warning Letter, advising the Respondent to be more mindful of the requirements of Texas licensure. The Board subsequently approved the Texas licensure while the complaint was pending, and it was made clear that the Respondent was working with a Texas LPC supervisor who made the same mistake. For these reasons, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

48) 16-0138

The Respondent testified on a custody agreement as part of a divorce case, while failing to obtain and review a current copy of court documents.

The Respondent agreed to take three Continuing Education hours on the subject of ethics and six Continuing Education hours on the subject of court proceedings and proper record keeping. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

49) 18-0282

The Complainant states the Respondent engaged in a dual relationship with a client for personal gain.

The Respondent agreed to take three Continuing Education hours on the subject of boundaries and three Continuing Education hours on the subject of ethics. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

50) 18-0193

The Complainant states the Respondent failed to report an outcry of abuse of a minor child.

The Respondent states she was appointed as reunification counselor in this matter and had no cause to believe abuse had occurred.

Without a cause to believe abuse, the Respondent did not have a duty to report. There is also insufficient evidence to substantiate a violation. For these reasons, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

51) 17-0005

The Complainant states the Respondent failed to report an outcry of abuse of a minor child.

The Respondent states she was appointed as reunification counselor in this matter and had no cause to believe abuse had occurred.

Without a cause to believe abuse, the Respondent did not have a duty to report. There is also insufficient evidence to substantiate a violation. For these reasons, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

52) 20-0266

The Complainant states the respondent wanted her to sign an agreement with a higher fee they had discussed.

The Respondent was not asked to respond. Services were never rendered. The Complainant provided documentation in which the Respondent states the fee discussed would be honored and it would be reflected in any billing.

There is insufficient evidence to substantiate a violation. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

53) 17-0217

The Complainant states the Respondent failed to provided records in a timely manner.

The Respondent agreed to take six Continuing Education hours on the subject of Records Request. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

54) 17-0242

The Respondent self-reported discussing confidential information, regarding a minor client, with co-workers.

The Respondent agreed to take three Continuing Education hours on the subject of ethics and six Continuing Education hours on the subject of confidentiality. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

55) 16-0242

The Complainant states the Respondent discussed confidential information, regarding a minor client, with co-workers.

The Respondent agreed to take three Continuing Education hours on the subject of ethics and six Continuing Education hours on the subject of confidentiality. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

56) 17-0252

The Complainant states the Respondent failed to maintain professional boundaries by inviting the Complainant and her ex-husband to a lecture.

The Respondent agreed to take 12 Continuing Education hours on the subject of Ethics and Boundaries. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

57) 21-028

The Respondent self-reported releasing records without having a signed release form.

The Respondent agreed to take 3 Continuing Education hours on the subject of Confidentiality. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

58) 17-0164

The Complainant states the Respondent failed to obtain consent and collaborate with the client's current therapist.

During the course of this investigation, it was revealed the Respondent failed to notify the Board of a change in address. The Respondent agreed to take 3 Continuing Education hours on the subject of Ethics and 3 Continuing Education hours on the subject of Record Keeping. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

59) 20-138

This complaint is a duplicate and was opened in error. It offers no additional information.

60) 20-154

This complaint is a duplicate and was opened in error. It offers no additional information.

61) 16-0153

The Complainant states the Respondent failed to release records and report an outcry of abuse.

The Respondent states she did not believe the Complaint was entitled to information and did believe that the allegations of abuse were false.

The Respondent agreed to take six Continuing Education hours about record-keeping and six Continuing Education hours on the subject of reporting to CPS. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

62) 18-0323

The Complainant states the Respondent provided services to the Complainant and her husband. The Respondent is alleged to have been friends with the husband.

The Respondent admits to knowing the Complainant's husband from church, and having him on her Facebook friends list, but denies being actual friends.

Staff advised the Respondent to set and maintain professional boundaries. This case was closed with a Warning letter.

63) 18-0310

It was alleged the Respondent failed to include her license number on her website.

The Respondent has self-corrected this issue. This case was closed with a Warning letter.

64) 18-0335

The Respondent self-reported an arrest; however, it was outside of the 30-day requirement.

The Respondent believed she had to notify the Board with 30 days of conviction, not arrest.

Staff spoke to Respondent and advised the Respondent of current reporting requirements. This case was closed with a Warning letter.

65) 21-045

The Complainant states the Respondent did not respond to calls or text for 24 hours.

The Respondent was not asked to respond.

There is no violation in failing to respond within 24 hours. There is insufficient evidence to substantiate a violation. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

66) 18-014

The Complainant states the Respondent was court-appointed to provide counseling to his two minor children. The Complainant adds that the children's mother admitted to abusing the children, and the Respondent failed to report the abuse.

The Respondent states she was never informed of any unreported abuse or neglect. Her progress note shows that the children were referred to her by Child Protective Services due to excessive discipline, revealing that CPS was already aware of the children's history.

There is insufficient evidence to substantiate a violation. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

67) 17-048

The Complainant states the Respondent refused to be served a subpoena to testify in court, at the Complainants divorce proceedings.

The Respondent states she did receive a subpoena to appear at the divorce proceedings. However, after speaking with the Complainant's attorney, the attorney advised her that her testimony was not necessary, and she did not need to appear at the hearing. During this conversation, the attorney asked about statements made during sessions. The Respondent presumed this was her testimony would have regarded.

There is insufficient evidence to substantiate a violation. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

68) 17-0183

The Respondent failed to report an arrest within 30 days.

The Respondent self-reported the arrest 6 days after the 30-day requirement. With her cooperation with the investigation and no conviction, this case was dismissed with a Warning letter.

69) 18-0319

The Complainant states the Respondent provided concurrent therapy to a minor client without consent.

The Respondent agreed to take six Continuing Education hours on the subject of Ethics. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

70) 16-0216

The Complainant states the Respondent failed to comply with Supervisor requirements by failed to keep accurate documentation of supervised hours.

The Respondent agreed to take six Continuing Education hours on the subject of Ethics. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

71) 18-078

The Complainant states the Respondent failed to provide adequate supervision.

The Respondent agreed to take six Continuing Education hours on the subject of Ethics. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

72) 19-0318

The Complainant states the Respondent entered a dual relationship, failed to maintain records, and breached confidentiality.

This matter is part of another case, with the same allegations, which has already been resolved. This case offers no new information. With this matter already being addressed and resolved, this case has been dismissed with a Warning letter.

73) 20-045

The Complainant states the Respondent failed to include her supervisor's name under the staff directory.

The Respondent states multiple requests were made to have the staff directory updated, to the IT department.

The Respondent provided copies of the emails sent to the IT department, and a recent review of the staff directory shows the corrections have been made. This case was closed with a Warning letter.

74) 17-0193

The Complainant states the Respondent failed to terminate services and facilitate the transfer of her client to appropriate care.

The Respondent agreed to take six Continuing Education hours on the subject of Termination and Professional Relationship. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

75) 18-083

The Complainant states the Respondent entered a dual relationship, failed to maintain records, and breached confidentiality.

The Respondent denies the allegations and states records were provided to the Complainant and their attorney.

Staff spoke with the Respondent and their attorney, and both were cooperative with the investigation. This complaint was closed with a Warning letter.

76) 18-0145

The Respondent failed to cooperate with the Board during an investigation.

The Respondent's attorney states they have cooperated with the Board, however, there was a delay in responding due to the attorney's office, not the Respondent.

Staff spoke with the Respondent and their attorney, and both were cooperative with the investigation. This complaint was closed with a Warning letter.

77) 17-0109

The Complainant states the Respondent failed to release records.

The Respondent agreed to take six Continuing Education hours on the subject of Termination and Professional Relationship. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

78) 17-0213

The Complainant states the Respondent failed to keep accurate documentation of records.

Staff spoke with the Respondent, who cooperated with the investigation. This case was closed with a Warning Letter.

79) 13-064

The Complainant states the Respondent failed to maintain accurate records.

The Respondent agreed to take three Continuing Education hours on the subject of Record Keeping, three Continuing Education hours on the subject of Risk Management, and seven hours on the subject of Ethics. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

80) 13-077

The Complainant states the Respondent failed to maintain accurate records.

The Respondent agreed to take three Continuing Education hours on the subject of Record Keeping, three Continuing Education hours on the subject of Risk Management, and seven hours on the subject of Ethics. This will be monitored to ensure completion. For this reason, the Investigator, Legal Counsel, and the Executive Director all agreed on the dismissal of this case per rule 884.12(e).

STATUS REPORT
FEBRUARY 12, 2020 LPC BOARD MEETING

12B

STATUS REPORT (As of 01/01/2021)	1Q FY21 Sept 1, 2020 to Nov 30, 2020	2Q FY21 Dec 1, 2020 to Feb 29, 2021	3Q FY21 Mar 1, 2021 to May 30, 2021	4Q FY21 Jun 1, 2021 to Aug 31, 2021
Number of Pending Complaints	808			
Number of New Complaints Received	75			
Pending Imminent harm cases	78			
Pending cases alleging Sexual Violations	267			
Pending Applicant cases	1			
Cases Resolved this Quarter (68 dismissals, 9 sanctions)	68			
Cases dismissed by Staff	59			
Cases dismissed by the Board	9			
Cases reviewed at ISC this Quarter	12			

TOTAL PENDING CASES	1Q FY21 (As of 01/01/2021)	2Q FY21	3Q FY21	4Q FY21
2012	2			
2013	2			
2014	13			
2015	8			
2016	32			
2017	97			
2018	193			
2019	242			

	2020	142			
	2021	77			
	TOTAL	808			

SOAH CASES		1Q FY21	2Q FY21	3Q FY21	4Q FY21
		<i>(As of 01/01/2021)</i>			
	2009	2			
	2010	2			
	2011	0			
	2012	3			
	2013	1			
	2014	4			
	2015	2			
	2016	8			
	2017	9			
	2018	2			
	2019	0			
	2020	0			
	2021	0			
	TOTAL	33			

Rule: 681.2. Definitions.

Action: Proposed Amendment

Comment: The proposed amendment to §681.2(3) is intended to provide clarity to the definition of art therapy.

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

- (1) Accredited school--An institution of higher education accredited by a regional accrediting agency recognized by the Council for Higher Education Accreditation, the Texas Higher Education Coordinating Board, or the United States Department of Education.
- (2) Act--The Licensed Professional Counselor Act, Texas Occupations Code, Chapter 503.
- (3) Art therapy—A form of counseling ~~human service profession~~ in which clients, ~~facilitated by the art therapist,~~ use art media, the creative process, and the resulting artwork to explore their feelings, reconcile emotional conflicts, foster self-awareness, manage behavior, develop social skills, improve reality orientation, reduce anxiety and increase self-esteem.
- (4) Board--The Texas State Board of Examiners of Professional Counselors.
- (5) Client(s)--A person(s) who requests and receives counseling services from a licensee or who has engaged in a therapeutic relationship with a licensee.
- (6) Consent for services--Process for receiving permission from the legally authorized person who agrees to services.
- (7) Consent Form--A document executed by the legally authorized person to ensure the client is aware of fees and arrangements for payment; counseling purposes, goals, and techniques; restrictions placed on the license by the Council; limits on confidentiality; intent of the licensee to use another individual to provide counseling treatment intervention to the client; supervision of the licensee by another licensed health care professional including the name, address, contact information, and qualifications of the supervisor; and the name, address, and telephone number of the Council for the purpose of reporting violations of the Act or this chapter.

- (8) Council--The Texas Behavioral Health Executive Council.
- (9) Counseling-related field--A mental health discipline using human development, psychotherapeutic, and mental health principles including, but not limited to, clinical or counseling psychology, psychiatry, social work, marriage and family therapy, and counseling and guidance. Non-counseling related fields include, but are not limited to, sociology, education, administration, dance therapy and theology.
- (10) Executive Director--The executive director for the Texas Behavioral Health Executive Council. The executive director may delegate responsibilities to other staff members.
- (11) Direct client contact--Time spent counseling clients.
- (12) Health care professional--Any person licensed, certified, or registered by the state in a health related profession.
- (13) Indirect hours--Time spent in management, administration or other aspects of counseling service ancillary to direct client contact.
- (14) Jurisprudence exam--The Texas State Board of Examiners of Licensed Professional Counselors Jurisprudence exam. An online exam based upon the statutes and rules relating to the practice of counseling.
- (15) License--An LPC license, LPC license with art therapy specialty designation, or LPC Associate license issued by the Council.
- (16) Licnsec---A person who holds an LPC license, LPC license with art therapy specialty designation, or LPC Associate license.
- (17) LPC--Licensed Professional Counselor. A person holding an LPC license as a professional counselor with authority to practice in independent practice.
- (18) LPC Associate--Licensed Professional Counselor Associate. A person who holds an LPC Associate license to practice counseling only under a board Council-approved supervisor and not as an independent practitioner.
- (19) Recognized religious practitioner--A rabbi, clergyman, or person of similar status who is a member in good standing of and accountable to a denomination, church, sect or religious organization legally recognized under the Internal Revenue Code, 26 U.S.C. §501(c)(3) and other individuals participating with them in pastoral counseling if:

- (A) the counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices of sponsorship of the legally recognized denomination, church, sect, religious organization or an integrated auxiliary of a church as defined in Federal Tax Regulations, 26 Code of Federal Regulations, L1.6033-2(g)(i)(2012);
 - (B) the individual providing the service remains accountable to the established authority of that denomination, church, sect, religious organization or integrated auxiliary; and
 - (C) the person does not use the title of or hold himself or herself out as a professional counselor.
- (20) Supervisor--An LPC approved by the Council as meeting the requirements set out in §681.93 of this title (relating to Supervisor Requirements) to supervise an LPC Associate.

Rule: 681.72. Required Application Materials.
Action: Proposed Amendment
Comment: The proposed amendment, to remove subsection (f), is necessary because a substantial equivalency evaluation is more than just an applicant meeting or exceeding Texas' standards.

681.72. Required Application Materials.

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

- (3) completion certificate for the jurisprudence exam dated no more than six months before the date the application for LPC was received;
 - (4) the Council's supervised experience documentation form; and
 - (5) other information or forms as requested by the Council.
- (c) To apply for LPC as the holder of a current license equivalent to a Texas LPC license issued by another jurisdiction, the applicant's license must be in good standing and must submit:
- (1) all of the items listed in subsection (a)(1)-(5) of this section;
 - (2) official verification of the license, including official verification of any supervised experience recognized by the issuing jurisdiction; and
 - (3) other information or forms as requested by the Council.
 - (4) The five-year expiration of the NCE or NCMHCE score does not apply to an applicant who has held a license issued by a United States jurisdiction in good standing for at least two (2) years before the date the application for LPC was received.
- (d) To apply for supervisor status, an LPC must:
- (1) have held the LPC license in good standing for at least 60 months;
 - (2) submit an application and all applicable fees; and
 - (3) submit a completion certificate for an acceptable supervisor training. An acceptable supervisor training is:
 - (A) a doctoral level course in the supervision of professional counseling or mental health services which was taken for credit at an accredited school and documented on an official transcript; the qualifying doctoral level course may have been completed no more than five (5) years before the date the application for supervisor status was received; or
 - (B) a 40-clock-hour supervision course as set forth in §681.147 of this title (relating to 40-Clock-Hour Supervisor Training Course); the qualifying 40-clock-hour supervision course may have been completed no more than two (2) years before the date the application for supervisor status was received.

- (e) An applicant who holds a current LPC license in good standing issued by another jurisdiction must be substantially equivalent to Texas licensure requirements.
- ~~(f) Licensure requirements that either match or exceed Texas requirements are considered to be substantially equivalent.~~

Rule: 681.73. Application for Art Therapy Specialty Designation.

Action: Proposed Amendment

Comment: The proposed amendment is necessary because the Executive Council has received comments that the American Art Therapy Association is being replaced as an accrediting body, and this amendment will allow its succeeding accrediting body to take its place.

681.73. Application for Art Therapy Specialty Designation.

- (a) A person applying for licensure with an art therapy specialty designation must:
- (1) meet the requirements for an LPC license set out in this chapter;
 - (2) hold either:
 - (A) a master's or doctoral degree in art therapy that includes 700 hours of supervised practicum from an accredited school; or
 - (B) all of the following:
 - (i) a master's degree in a counseling-related field;
 - (ii) a minimum of 21 semester hours or the equivalent of sequential course work in the history, theory, and practice of art therapy;
 - (iii) 700 hours of supervised practicum from an accredited school;
 - (3) have the experience requirements set out in subsection (c) of this section; and
 - (4) submit documentation of successful completion of the Certification Examination in Art Therapy of the Art Therapy Credentials Board.
- (b) The Council will accept an individual course from an art therapy program accredited through the American Art Therapy Association (or its successor) as satisfying the education requirements set out in §681.82 of this title (relating to Academic Requirements) if not less than 75% of the course content is substantially equivalent to the content of a course required in §681.83 of this title (relating to Academic Course Content).

- (c) As part of the supervised experience requirements for art therapy specialty designation under the Act, §503.303, an applicant must fulfill the requirements of §§681.91-681.93 of this title and must have the following:
- (1) 1,500 client contact hours under supervision of a licensed professional counselor with an art therapy specialty designation, if the applicant holds a master's or doctoral degree in art therapy that includes 700 hours of practicum; or
 - (2) 2,000 client contact hours under supervision of a licensed professional counselor with an art therapy specialty designation, if the applicant holds a master's degree in counseling or a counseling related field and has a minimum of 21 semester hours or the equivalent of sequential course work in the history, theory, and practice of art therapy with 700 hours practicum

Rule: 681.82. Academic Requirements
 Action: Proposed Amendment
 Comment: The proposed amendment is being made to clarify the rule and an effort to streamline the application process for qualified out of state applicants.

681.82. Academic Requirements.

- (a) Persons applying for licensure must have a graduate degree in counseling or a counseling-related field of:
- (1) at least 48 semester hours of coursework in a counseling or counseling-related field for applicants who began the qualifying program before August 1, 2017; and
 - (2) at least 60 semester hours of coursework in a counseling or counseling-related field for applicants who began the qualifying program on or after August 1, 2017.
- (b) An applicant who holds a graduate degree in a counseling related field must have an official transcript documenting satisfaction of the requirements described in §681.83 of this title (relating to Academic Course Content).
- (c) An applicant who has held a full active LPC in good standing issued by a United States jurisdiction for at least two (2) years immediately preceding the date the application was received will be ~~is~~ deemed to have met all academic and experience requirements, including the practicum, if the applicant can demonstrate 3,000 hours of supervised experience and has completed at least 48 semester hours of coursework in a graduate degree program in a counseling or a counseling-related field, with 300 clock hours of supervised practicum.
- (d) The 48/60 semester hours must be designed to train a person to provide direct services to assist clients in a professional counseling relationship using a combination of mental health and human development principles, methods, and techniques to achieve the mental, emotional, social, moral, educational, spiritual, or career-related development and adjustment of the client throughout the client's life. The 48/60 semester hours may be course work that was part of the graduate degree in a counseling-related field, may be in addition to course work taken for the qualifying program, or a combination of both.

Rule: 681.83. Academic Course Content.

Action: Proposed Amendment

Comment: The proposed amendment is intended to streamline the application review process, and ensure applicants have completed the necessary fundamental professional counseling courses to ensure minimum competency as well as allow future graduates the opportunity to explore electives and specialty areas in their academic program.

681.83. Academic Course Content.

- (a) An applicant who holds a graduate degree in counseling from an accredited school is presumed to have satisfied the academic course content requirements described in this section.
- (b) An applicant who holds a graduate degree in a counseling-related field must successfully complete at least one course in each of the following areas:
 - (1) normal human growth and development - the process and stages of human intellectual, physical, social, and emotional development from prenatal origins through adulthood;
 - (2) psychopathology abnormal human behavior - the principles of understanding and diagnosing dysfunction in human behavior or social disorganization via the most current edition of the Diagnostic and Statistical Manual available at the time of instruction;
 - (3) appraisal or assessment techniques - the principles, concepts, and procedures of systematic appraisal or assessment of an individual's attitudes, aptitudes, achievements, interests, and personal characteristics, which may include the use of both non-testing approaches and test instruments;
 - (4) counseling theories - the major theories of professional counseling;
 - (5) counseling methods or techniques - the methods or techniques used to provide counseling treatment intervention including:
 - (A) —counseling individuals; and
 - (B) — ~~the theory and types of groups, including dynamics and the methods of practice with groups;~~
 - ~~(6) —research— the methods of research which may include the study of statistics or a thesis project;~~

- ~~(7) life style and career development-the theories of vocational choice, career choice and life style, sources of occupational and educational information, and career decision-making processes;~~
- ~~(6) (8) social, cultural, and family issues - the studies of change, ethnic groups, gender studies, family systems, urban and rural societies, population patterns, cultural patterns, and differing life styles;~~
- ~~(7) counselor ethics - the professional, ethical, and legal aspects of providing counseling services; and~~
- ~~(9) professional orientation-the objectives of professional organizations, codes of ethics, legal aspects of practice, standards of preparation, and the role identity of persons providing direct counseling treatment intervention; and~~
- ~~(8)(10)-practicum (internship) - supervised practicum experience primarily counseling in nature which includes:~~
 - ~~(A) At least 300 clock-hours, of which at least 100 hours must be direct client counseling.~~
 - ~~(B) Academic credit or other acknowledgment of the practicum/internship must appear on the applicant's official graduate transcript.~~

~~(c) In addition to the courses listed in §681.83(b) of this subsection, a counseling related degree must show successful completion of at least five (5) of the following courses on the official transcript:~~

- ~~(1) group counseling-the theory and types of groups including dynamics and methods of practice with groups;~~
- ~~(2) couples, marriage, or family counseling-the theory and techniques of practice for providing therapy to couples, spouses or families;~~
- ~~(3) child and adolescent counseling-the theory and techniques of practice for providing therapy to children and adolescents;~~
- ~~(4) research-the methods of research which may include the study of statistics or a thesis project;~~
- ~~(5) life style and career development-the theories of vocational choice, career choice and life style, sources of occupational and educational information, and career decision-making processes;~~
- ~~(6) professional orientation-the objectives of professional organizations, codes of ethics, legal aspects of practice, standards~~

of preparation, and the role identity of persons providing direct counseling treatment intervention;

(7) addictions counseling; or

(8) psychopharmacology.

~~(c) The remaining courses needed to meet the 48/60 graduate semester hour requirement must be counseling-related course work in areas directly supporting the development of an applicant's professional counseling skills and must be courses related primarily to professional counseling.~~

~~(d) As of August 1, 2017, the following courses must be taken in addition to those outlined in subsection (b) of this section, to meet the 60 semester hour requirement:~~

~~(1) addictions counseling; to include, but not limited to, gambling, sexual, eating, alcohol, or drug;~~

~~(2) an additional course in counselor ethics; to include records management, an overview of business/family law and professional practice, and the study of current Council rules;~~

~~(3) couples, marriage, or family counseling; and~~

~~(4) a course in psychopathology to include such content as criteria of psychiatric diagnosis, use of the current Diagnostic and Statistical Manual of Mental Disorders and the theories of psychopathology. The course should also include the basic knowledge of types of psychopharmacological medications.~~

~~(d)~~(e) Passing the National Counselor Exam or National Clinical Mental Health Counselor Exam does not guarantee that Texas state licensure requirements have been satisfied.

- Rule: 681.114. Licensing of Military Service Members, Military Veterans, and Military Spouses.
- Action: Proposed Amendments
- Comments: The proposed amendment is necessary to determine substantial equivalency for out of state licensees that are military service members, military veterans, and military spouses.

681.114. Licensing of Military Service Members, Military Veterans, and Military Spouses.

- (a) An applicant applying for licensure under this section must comply with Council rule, §882.60 of this title (relating to Special Provisions Applying to Military Service Members, Veterans, and Spouses).
- (b) Substantial Equivalency Determination. In accordance with §55.004 of the Occupations Code, the licensing requirements for a license to practice professional counseling in another jurisdiction will be considered substantially equivalent to Texas' requirements if the following criteria are met:
- (1) the applicant has been fully licensed to practice professional counseling for the two years immediately preceding the date the application is received; and
 - (2) has no disciplinary history.
- ~~(b) Licensing requirements that either match or exceed Texas requirements are considered substantially equivalent.~~
- ~~(c) If an applicant has been fully licensed to practice professional counseling in another United States jurisdiction for less than two years immediately preceding the date the application is received, and has no disciplinary history, staff may grant 125 hours of credit for every month of independent professional counseling practice toward any deficit in experience requirements.~~
- ~~(d)(e) For an application submitted by a verified military service member or military veteran, the applicant must receive credit towards any licensing requirements, except an examination requirement, for verified military service, training, or education that the Council determines is relevant to the licensing requirements, unless he or she holds a restricted license issued by another jurisdiction or has a criminal history for which adverse licensure action is authorized by law.~~

Texas Legislature Online - Bill Lists

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Bills impacting BHEC or the professions

Legislature: 87th Legislature

87(R) HB 28 **Author:** Neave
Last Action 11/09/2020 H Filed
Caption Version: Introduced
Caption: Relating to social work services in public schools.
House Committee:
Senate Committee:
Comment:

87(R) HB 29 **Author:** Swanson
Last Action 11/09/2020 H Filed
Caption Version: Introduced
Caption: Relating to authorizing the provision of temporary secure storage for weapons at certain public buildings; authorizing fees.
House Committee:
Senate Committee:
Comment:

87(R) HB 36 **Author:** Johnson, Jarvis
Last Action 11/09/2020 H Filed
Caption Version: Introduced
Caption: Relating to abolishing Confederate Heroes Day.
House Committee:
Senate Committee:
Comment:

87(R) HB 66 **Author:** Fierro
Last Action 11/09/2020 H Filed
Caption Version: Introduced
Caption: Relating to the designation of certain election days as state holidays.
House Committee:
Senate Committee:
Comment:

87(R) HB 68 **Author:** Toth
Last Action 11/09/2020 H Filed
Caption Version: Introduced
Caption: Relating to the definition of abuse of a child.
House Committee:
Senate Committee:
Comment:

87(R) HB 70 **Author:** Swanson
Last Action 11/09/2020 H Filed
Caption Version: Introduced
Caption: Relating to legislative review and approval of certain state agency rules.
House Committee:
Senate Committee:
Comment:

87(R) HB 106 **Author:** Meza
Last Action 11/09/2020 H Filed
Caption Version: Introduced
Caption: Relating to restrictions on certain contributions by persons appointed to public office by the governor; creating a criminal offense.
House Committee:
Senate Committee:
Comment:

87(R) HB 139 **Author:** Buckley
Last Action 11/09/2020 H Filed
Caption Version: Introduced
Caption: Relating to state occupational licensing of certain military veterans and military spouses.
House Committee:
Senate Committee:
Comment:

87(R) HB 173 **Author:** Rosenthal
Last Action 01/12/2021 H Filed
Caption Version: Introduced
Caption: Relating to civil liability for discriminatory false reports to law enforcement agencies or emergency service providers.
House Committee:
Senate Committee:
Comment:

87(R) HB 188 **Author:** Bernal
Last Action 11/09/2020 H Filed
Caption Version: Introduced
Caption: Relating to the prohibition of certain discrimination based on sexual orientation or gender identity or expression; providing an administrative penalty.
House Committee:
Senate Committee:
Comment:

87(R) HB 219 **Author:** Thierry
Last Action 11/09/2020 H Filed
Caption Version: Introduced
Caption: Relating to abolishing Confederate Heroics Day.
House Committee:
Senate Committee:
Comment:

87(R) HB 226 **Author:** Bernal
Last Action 11/09/2020 H Filed
Caption Version: Introduced
Caption: Relating to social work services in public schools.
House Committee:
Senate Committee:
Comment:

87(R) HB 247 **Author:** Meza
Last Action 11/09/2020 H Filed
Caption Version: Introduced
Caption: Relating to employment leave for certain family or medical obligations.
House Committee:
Senate Committee:
Comment:

87(R) HB 258 **Author:** Bernal
Last Action 11/09/2020 H Filed
Caption Version: Introduced
Caption: Relating to certain contracting requirements for the provision of broadband Internet access service to governmental entities.
House Committee:
Senate Committee:
Comment:

87(R) HB 260 **Author:** Thompson, Senfronia
Last Action 11/09/2020 H Filed
Caption Version: Introduced
Caption: Relating to an exemption from civil liability for certain professionals for the disclosure of certain mental health information.
House Committee:
Senate Committee:
Comment:

87(R) HB 280 **Author:** Cortez
Last Action 11/09/2020 H Filed
Caption Version: Introduced
Caption: Relating to an action plan to expand telemedicine medical services and telhealth services and increase access to critical medical care and health care services in this state.
House Committee:
Senate Committee:
Comment:

87(R) HB 327 **Author:** Howard
Last Action 11/09/2020 H Filed
Caption Version: Introduced
Caption: Relating to the Internet broadcast or audio recording of certain open meetings.
House Committee:
Senate Committee:
Comment:

87(R) HB 371 **Author:** Fierro
Last Action 11/09/2020 H Filed
Caption Version: Introduced
Caption: Relating to the designation of the day after the Super Bowl as a state holiday.
House Committee:
Senate Committee:
Comment:

87(R) HB 391 **Author:** Israel
Last Action 11/09/2020 H Filed
Caption Version: Introduced
Caption: Relating to authority for certain state employees to work flexible hours and to work from home or other authorized alternative work sites.
House Committee:
Senate Committee:
Comment:

87(R) HB 407 **Author:** Hernandez
Last Action 11/09/2020 H Filed
Caption Version: Introduced
Caption: Relating to unprofessional conduct by mental health providers who attempt to change the sexual orientation of a child.
House Committee:
Senate Committee:
Comment:

87(R) HB 549 **Author:** Thompson, Senfronia
Last Action 11/12/2020 H Filed
Caption Version: Introduced
Caption: Relating to an exemption from civil liability for certain professionals for the disclosure of certain mental health information.
House Committee:
Senate Committee:
Comment:

87(R) HB 550 **Author:** Israel
Last Action 11/12/2020 H Filed
Caption Version: Introduced
Caption: Relating to prohibited retaliation against state or local public employees for reporting certain violations of law.
House Committee:
Senate Committee:
Comment:

87(R) HB 560 **Author:** Israel
Last Action 11/13/2020 H Filed
Caption Version: Introduced
Caption: Relating to unprofessional conduct by mental health providers who attempt to change the sexual orientation of a child.
House Committee:
Senate Committee:
Comment:

87(R) HB 590 **Author:** Turner, Chris
Last Action 11/17/2020 H Filed
Caption Version: Introduced
Caption: Relating to public access to personal financial statements filed by public officials and candidates.
House Committee:
Senate Committee:
Comment:

87(R) HB 596 **Author:** Sherman, Sr.
Last Action 11/17/2020 H Filed
Caption Version: Introduced
Caption: Relating to the designation of certain election days as state holidays.
House Committee:
Senate Committee:
Comment:

87(R) HB 600 **Author:** Johnson, Jarvis
Last Action 11/18/2020 H Filed
Caption Version: Introduced
Caption: Relating to the regular psychological examination of peace officers.
House Committee:
Senate Committee:
Comment:

87(R) HB 614 **Author:** Thompson, Senfronia
Last Action 11/20/2020 H Filed
Caption Version: Introduced
Caption: Relating to a cause of action for deprivation of certain rights, privileges, or immunities under color of law.
House Committee:
Senate Committee:
Comment:

87(R) HB 665 **Author:** Landgraf
Last Action 11/30/2020 H Filed
Caption Version: Introduced
Caption: Relating to an emergency rule adopted by a state agency during certain periods of disaster.
House Committee:
Senate Committee:
Comment:

87(R) HB 706 **Author:** Moody
Last Action 12/02/2020 H Filed
Caption Version: Introduced
Caption: Relating to the provision of counseling services by certain providers under Medicaid and reimbursement for those services.
House Committee:
Senate Committee:
Comment:

87(R) HB 726 **Author:** Hernandez
Last Action 12/03/2020 H Filed
Caption Version: Introduced
Caption: Relating to prohibited nonconsensual medical procedures and treatment on certain minors with intersex traits.
House Committee:
Senate Committee:
Comment:

87(R) HB 887 **Author:** Shahcen
Last Action 12/21/2020 H Filed
Caption Version: Introduced
Caption: Relating to telemedicine medical services and telehealth services covered by certain health benefit plans or provided by a pharmacist.
House Committee:
Senate Committee:
Comment:

87(R) HB 923 **Author:** Reynolds
Last Action 12/31/2020 H Filed
Caption Version: Introduced
Caption: Relating to historically underutilized businesses and to goods and services purchased by governmental entities.
House Committee:
Senate Committee:
Comment:

87(R) HB 980 **Author:** Fierro
Last Action 01/06/2021 H Filed
Caption Version: Introduced
Caption: Relating to the reimbursement and payment of claims by certain health benefit plan issuers for telemedicine medical services and telehealth services.
House Committee:
Senate Committee:
Comment:

87(R) HB 1050 **Author:** Romero, Jr.
Last Action 01/11/2021 H Filed
Caption Version: Introduced
Caption: Relating to a study on employing mental health professionals or mental health response teams to assist when responding to a behavioral health-related emergency call.
House Committee:
Senate Committee:
Comment:

87(R) HB 1137 **Author:** Cain
Last Action 01/15/2021 H Filed
Caption Version: Introduced
Caption: Relating to limiting the assessment of certain fees and taxes during a declared state of disaster.
House Committee:
Senate Committee:
Comment:

87(R) HB 1208 **Author:** Guillen
Last Action 01/20/2021 H Filed
Caption Version: Introduced
Caption: Relating to a state employment preference for certain children of veterans with a disability.
House Committee:
Senate Committee:
Comment:

87(R) HB 1326 **Author:** Geren
Last Action 01/25/2021 H Filed
Caption Version: Introduced
Caption: Relating to the automatic expunction of arrest records and files for certain public safety employees who successfully complete a public safety employees treatment court program.
House Committee:
Senate Committee:
Comment:

87(R) HB 1384 **Author:** Thierry
Last Action 01/26/2021 H Filed
Caption Version: Introduced
Caption: Relating to required suicide prevention training for certain health care practitioners.
House Committee:
Senate Committee:
Comment:

87(R) HB 1416 **Author:** Capriglione
Last Action 01/27/2021 H Filed
Caption Version: Introduced
Caption: Relating to the definition of business day for purposes of the public information law.
House Committee:
Senate Committee:
Comment:

87(R) HB 1424 **Author:** Oliverson
Last Action 01/27/2021 H Filed
Caption Version: Introduced
Caption: Relating to a health care provider's right to object to participation in a medical procedure that violates the provider's ethical, moral, or religious beliefs.
House Committee:
Senate Committee:
Comment:

87(R) HJR 6 **Author:** Swanson
Last Action 11/09/2020 H Filed
Caption Version: Introduced
Caption: Proposing a constitutional amendment authorizing the legislature to provide for legislative review or approval of state agency rules.
House Committee:
Senate Committee:
Comment:

87(R) HJR 33 **Author:** Swanson
Last Action 11/19/2020 H Filed
Caption Version: Introduced
Caption: Proposing a constitutional amendment protecting an individual's right to earn a living free from unnecessary governmental interference.

House Committee:
Senate Committee:
Comment:

87(R) HJR 42 **Author:** Toth
Last Action 12/08/2020 H Filed
Caption Version: Introduced
Caption: Proposing a constitutional amendment regarding certain powers of the governor in issuing orders or proclamations and specifying the powers of the legislature in special sessions called following certain disaster or emergency declarations.

House Committee:
Senate Committee:
Comment:

87(R) SB 1 **Author:** Nelson
Last Action 03/02/2021 S Scheduled for public hearing on . . .
Caption Version: Introduced
Caption: General Appropriations Bill.

House Committee:
Senate Committee: Finance (In)
Comment:

87(R) SB 44 **Author:** Zaffirini
Last Action 11/09/2020 S Filed
Caption Version: Introduced
Caption: Relating to leave for state employees who are volunteers of certain disaster relief organizations.

House Committee:
Senate Committee:
Comment:

87(R) SB 97 **Author:** Menéndez
Last Action 11/09/2020 S Filed
Caption Version: Introduced
Caption: Relating to unprofessional conduct by mental health providers who attempt to change the sexual orientation of a child; providing penalties.

House Committee:
Senate Committee:
Comment:

87(R) SB 132 **Author:** Johnson
Last Action 11/09/2020 S Filed
Caption Version: Introduced
Caption: Relating to prohibited retaliation against state or local public employees for reporting certain violations of law.

House Committee:
Senate Committee:
Comment:

87(R) SB 145 **Author:** Powell
Last Action 11/09/2020 S Filed
Caption Version: Introduced
Caption: Relating to state occupational licensing of certain military veterans and military spouses.
House Committee:
Senate Committee:
Comment:

87(R) SB 150 **Author:** Powell
Last Action 11/09/2020 S Filed
Caption Version: Introduced
Caption: Relating to the procedure for adoption by a state agency of rules that may have an adverse economic effect on small businesses, micro-businesses, and rural communities.
House Committee:
Senate Committee:
Comment:

87(R) SB 228 **Author:** Blanco
Last Action 12/03/2020 S Filed
Caption Version: Introduced
Caption: Relating to the reimbursement and payment of claims by certain health benefit plan issuers for telemedicine medical services and telehealth services.
House Committee:
Senate Committee:
Comment:

87(R) SB 233 **Author:** Whitmire
Last Action 12/07/2020 S Filed
Caption Version: Introduced
Caption: Relating to the prohibition of certain discrimination based on sexual orientation or gender identity or expression; providing an administrative penalty.
House Committee:
Senate Committee:
Comment:

87(R) SB 290 **Author:** West
Last Action 01/06/2021 S Filed
Caption Version: Introduced
Caption: Relating to public access to personal financial statements filed by public officials and candidates.
House Committee:
Senate Committee:
Comment:

87(R) SB 341 **Author:** West
Last Action 01/14/2021 S Filed
Caption Version: Introduced
Caption: Relating to the Internet broadcast or audio recording of certain open meetings.
House Committee:
Senate Committee:
Comment:

87(R) SB 434

Author: Blanco

Last Action

01/26/2021 S Filed

Caption Version:

Introduced

Caption:

Relating to the provision and delivery of certain health, mental health, and educational services in this state, including the delivery of those services using telecommunications or information technology.

House Committee:

Senate Committee:

Comment:

87(R) SJR 13

Author: Zaffirini

Last Action

11/09/2020 S Filed

Caption Version:

Introduced

Caption:

Proposing a constitutional amendment abolishing daylight saving time in Texas.

House Committee:

Senate Committee:

Comment:

January 28, 2021

Dear Members of the Texas State Board of Examiners of Professional Counselors,

Thank you for your service to the Texas counseling profession. I am writing this letter on behalf of our organization, LPC Associates of Texas, LLC, which is over 3,000 members strong. We conducted a survey of our members regarding their respective experience with supervision. I am enclosing the results of the survey for your review and request that this correspondence and its attachments be made part of the written record as part of my official request for rule changes and be submitted as written public comment for the TSBEP meeting on February 12, 2021.

I am the President of the LPC Associates of Texas, LLC. I am a Licensed Professional Counselor, Counselor Educator, and future Licensed Professional Counselor Supervisor. I believe that the most important relationship a counselor will form is the supervisory working alliance. My education and training taught me the importance of advocacy, and the necessity of quality, ethical supervision practices. Our organization strives to provide free education, advocacy, and resources to our members. As you will see, our survey results with 233 responses reveal a systemic inequity toward LPC Associates that does not serve the legislative purpose behind the rules we seek to change. Our organization believes the unethical practices described by survey respondents likely stem from two sources. First, many supervisors lack clarity on certain board rules relating to LPC Associates. Second, several board rules disempower LPC Associates without protecting the public. In addition to offering raw respondent data, I will detail the concerns we feel need to be addressed and offer possible solutions below.

We firmly believe that we can make change together, that TSBEP has the best interest of all professional counselors in mind, and that there are feasible solutions for TSBEP to consider when strategizing approaches to address the grave concerns we have presented. We understand that part of the purpose of creating BIIEC was to align the mental health boards. Our aim is consistent with creating parity and alignment of mental health board rules across disciplines. Specifically, we hope to see parity in LPC Associate and LMFT Associate rules. The future of the counseling profession rests in the hands of current LPC Associates, they are the next generation of Licensed Professional Counselors, Supervisors, and potential board members. We have a unique opportunity to demonstrate leadership, ethical practices, and recognition of their value in the profession by addressing these inequities effectively and efficiently. We are calling on the TSBEP members to do just that. We thank you for your time, commitment, and service to the profession and look forward to your response to our concerns.

CONCERNS & POTENTIAL SOLUTIONS

- There is no definition of “independent practice” in the TSBEP rules, leaving the term open to interpretation. Our understanding is that “independent practice” simply means an individual is no longer under supervision. For example, an LPC Associate may not represent themselves as being in “independent practice” which means they must inform the public they are “supervised by” their LPC Supervisor (681.91, n). However, because “independent practice” is not defined, this term has been interpreted in various ways (i.e., no individual website allowed, can be a 1099 independent contractor, cannot be paid at all, etc.), which has created significant confusion and conflation with other TSBEP rules.
 - **Potential Solution:** Define “independent practice” in the TSBEP rules.
Suggested definition: Independent practice is the practice of counseling without supervision.
 - Consider clarifying that independent practice does not address activities beyond supervision requirements.

- Per our survey results, 55% of respondents ($n=209$) report fee splitting practices required by their LPC Supervisors. LPC Associates and LPC Supervisors engage in fee splitting, often in addition to paying rent, other overhead expenses (e.g. advertising, EHR systems, etc.) and supervision fees. This occurs when the LPC Supervisor takes a percentage of the client fee for an LPC Associate’s services. Every percentage taken by an LPC Supervisor is a “kickback” for services provided by another counselor, in this case, LPC Associates. This practice is unethical and is in direct violation of rule 681.41 (h), §503.401(a)(4) of the Act, and the ACA Code of Ethics (see link below):
https://www.counseling.org/docs/default-source/ethics/ethics-columns/ethics_may_2015_fee-splitting.pdf?sfvrsn=624522c_4
 - **Potential Solutions:**
 - Allow LPC Associates to own their own counseling businesses and reap the benefits of their labor.
 - LPC Supervisors may choose to pay LPC Associates a flat fee for services rendered.
 - Require LPC Supervisors to complete an LPC Supervisor Jurisprudence Exam either yearly or biennially.
 - Require LPC Supervisors to take an additional training related to the dual roles of being an LPC Supervisor and a business owner.
 - Consider making the following addition to rule 681.41 (h) to state:
Professional counselors are not permitted to take a percentage of a client fee for services rendered by another professional counselor.

- LPC Associates pay for marketing, websites, rent, general “overhead” expenses for the private practice where they see clients, training, health insurance, and self-employment

taxes; all of this in addition to paying for supervision and splitting client fees with the LPC S or practice owner. Further, 92.4% of our respondents do not receive fringe benefits available to full-time employees. Just 1.2% receive health insurance benefits when working in a private practice or for the LPC Supervisor, leaving them to pay for health insurance independently much like a private practice owner. In other words, LPC Associates do everything independent and private practice owners do, at the direction of their LPC Supervisor and yet, must list “supervised by” after their name, cannot take direct payments, must attend supervision, and are not allowed to “own” a private practice. This allows for financial exploitation of LPC Associates. There are loopholes that must be addressed.

- **Potential Solution:**

- Delete rule 681.91 (l) prohibiting LPC Associates from taking direct payments, which would limit the possibility of fee splitting.
- Delete rule 681.91 (d) prohibiting LPC Associates from owning a counseling private practice. They already engage in several practices required to own and operate a private practice.

- Some LPC Supervisors overtly, or otherwise, threaten not to sign crucial documentation needed by LPC Associates, if those Associates choose to seek a new LPC Supervisor. This is occurring at an alarming rate and without just cause or a documented remediation plan for the LPC Associate. This rises to an abuse of power, as it is direct retaliation for the LPC Associate seeking what may be a better professional and personal fit for them, while directly diminishing the financial gain of their current supervisor. This particularly rings true when we consider the above bullet point regarding financial benefits to the practice owner or LPC Supervisor. Rule 681.93 (d) specifically requires the LPC S to submit documentation of the LPC Associate’s supervised experience within 30 days of the end of the supervisory relationship. This rule is violated and yet, where is the recourse and protection for LPC Associates? How are LPC Supervisors forced to end this unethical practice? LPC Associates may choose to file a complaint on an LPC Supervisor for violating this rule, yet what are they to do with their career while still under the supervision of an LPC Supervisor who violates board rules? We are aware of significant backlogs regarding complaints, a waiting period for the new LPC Supervisor to be approved no matter the reason for the LPC Supervisor change request, and the precarious situation this creates for LPC Associates.

- **Potential Solution:**

- Develop and implement a system for priority or expedited LPC Supervisor change processing when requested if the request is due to clear violation of board rules on behalf of the LPC Supervisor.
- Develop and implement a system where LPC Supervisors routinely (i.e., once a month) verify LPC Associate earned hours through a BHEC portal.

This would also aid in LPC upgrade processing times as the verified supervised experience hours would be on file with BHEC at the time of the upgrade application submission.

- Explore approaches to prioritizing complaints against LPC Supervisors in a timely manner such that the livelihood of LPC Associates is protected.

- Rule 681.91 (l) is in direct contravention of federal antitrust laws, including the Sherman Antitrust Act, and constitutional rights. Germanic to our concern is the fact that rule 681.91 (l) allows for LPC Supervisors or private practice owners to control the market for the service of counseling in a private practice setting by prohibiting LPC Associates from taking direct payments or owning a counseling practice. There is no requirement in Texas that an individual or entity be a licensed counselor to *own* a counseling practice - any member of the general public (other than an LPC Associate) can do so. For example, an LPC Associate's acquaintance, friend, family member, or neighbor without a counseling background could form a business entity in Texas, "ABCD Organization" for the sole purpose of hiring them to provide counseling services and this would be acceptable so long as the LPC Supervisor approved the site. As a result, rule 681.91 (l) cannot be said to protect the public interest and precludes LPC Associates from fully benefiting from their labor.
 - **Potential Solution:**
 - Delete rule 681.91 (l) prohibiting LPC Associates from taking direct payments.
 - Delete rule 681.91 (d) prohibiting LPC Associates from owning a counseling private practice.

We greatly appreciate your time and attention to this matter. Our intention is not to disparage the hard work and dedication of LPC Supervisors. Rather, we seek to increase support and protection of LPC Associates in Texas.

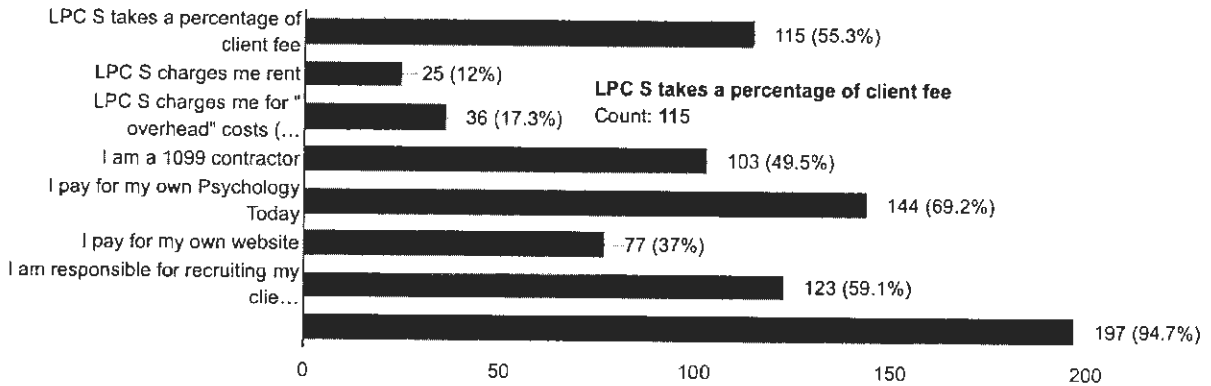
Sincerely,
Summer Allen, PhD, LPC
Texas LPC Associates, LLC
Summer@txlpcassociates.org

Please see the results to our survey below. We recognize this is a lot of data to read and process. However, we believe it is necessary to provide these results for written public comment to shed light on the systemic concerns LPC Associates in Texas face every day. We also note that we did not ask questions related to the positive experiences with LPC Supervisors, TSBEP, or BHEC. We would like to again thank TSBEP and BHEC for their continued efforts towards a quality

licensing process. We also thank the LPC Supervisor community for the ethical, supportive, and positive experiences they do provide for LPC Associates.

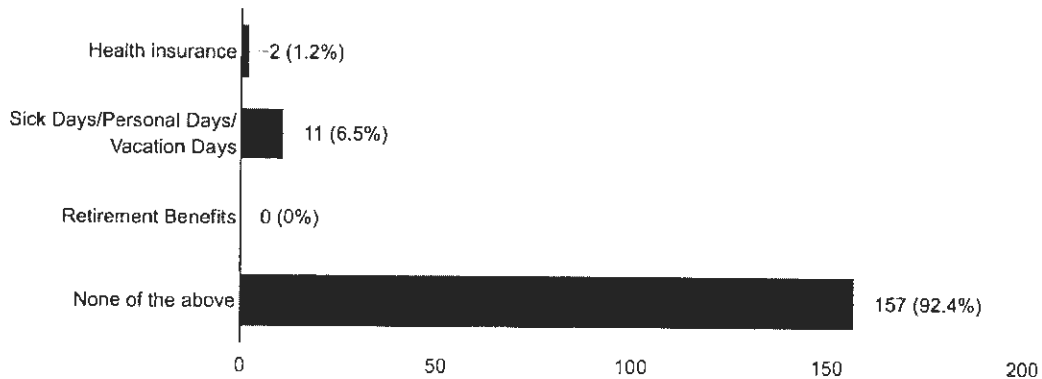
WHAT IS THE CURRENT FINANCIAL ARRANGEMENT WITH YOUR LPC-S BEYOND SUPERVISION FEES? Check all that apply.

208 responses



If you see clients solely through your LPC S private practice (either 1099 or W2) does your LPC S provide the following? Check all that apply.

170 responses



Survey Question: In what ways do you believe you have been taken advantage of, exploited, or treated unfairly by an LPC-S, without recourse from the counseling board? (see responses below)

Just 17% (40 responses) of the 233 responses we received to this question indicated either N/A or a positive experience with their supervisor. Noteworthy concerns and themes have been highlighted in red font.

RESPONSES:

Monetarily by offering a 50/50 fee split for group practice on top of supervision fees. Knowing that associates cannot do this in their own.

My LPC-S is outside of the private practice that I work at. So I pay my LPC-S a monthly fee on top of having a percentage taken out of my client fee to cover rent and overhead charges for the private practice.

Making money off of interns by charging high supervisor fees

Charging for supervision when I cancel well in advance. Getting supervision that is not culturally competent, *but afraid to say anything lest I risk my hours.*

I do not feel exploited by my LPC-S per se, but I do feel exploited in general as an LPC Associate.

Biggest concern is 1099 issues. But overall my experience has been okay.

LPC S never having a set schedule so, if I missed a supervision due to him scheduling anytime they felt like it whether in the morning, evening or even weekend and I couldn't attend due to work or previous engagement I would be charged but not get a signature of on my hours. Then they would refuse to make it up with me.

There is currently no regulation on how much an LPC-S can charge for supervision, nor what percentage they can take of each session fee. *I can barely make ends meet* and must work another job because I am paying so much in fees and *so much of my session fee is being taken.*

Given more hours than agreed upon per week at private practice (also have other job) after signing strict non-compete clause.

There have been times with previous supervisors in which I had to skip supervision weeks due to scheduling issues on their part and no attempt was made to set a new supervision session despite repeated attempts on my part to make that happen.

Required to sign a non-compete clause in initial contract for a certain mileage from the practice. Also, must get supervisor's permission to see clients or work anywhere in addition to the practice. She can refuse for any reason. Must find my own clients and she sets my rates. Cannot have my own website as she thinks the board would interpret as a violation of owning a practice.

Taken more than their fair share of the profit.

By charging me supervision fees AND taking a percentage of my client fees.

Deciding with who we do dyad supervision without asking me

A supervisor turned our relationship personal regarding her being in recovery and me not being in recovery.

Agencies making it mandatory for your LPC-S to be within the workplace after beginning your job and being told that if not then you would lose your job. When interviewing it was only informed that supervision was offered but not that it was mandatory until I began working. This forces LPC associates less of a say in who their supervisor may be which should be our personal choice. Due to this issue and the disagreement between the LPC -S in the workplace and the LPC-S I had outside the workplace I was forced to choose my workplace LPC-S in order to keep my current job. Again, supervision should be the choice of the LPC associate entirely. Although it is great to be offered by workplaces it should essentially be up to associates.

I feel like keeping more than half of what I make to be exploitation. Even though I'm getting free supervision and rent of office space.

I was once told by an LPC S (not mine) that I shouldn't be able to quality control our documentation since I am "just an intern" even though we both have the same job within our agency.

An LPC-S can require a non-compete form from all the LPC Associates in the practice, then use the practice marketing tools to have all requests for counseling services go thru one main secretary/scheduler (unlicensed person). The secretary/ scheduler is trained by the LPC-S to refer ***ALL complex, long term, financially well off clients to be scheduled with ONLY the LPC-S. The result: The LPC-S is fully booked with the greatest financially lucrative clients. The LPC Associates are left with the remaining clients, with minor income and no remedy to get other clients.***

My LPC-S has me working as a 1099 contractor to avoid having to pay for my taxes and benefits. I work full time for her private practice, but do not receive any benefits like health

insurance or sick days, and I have to pay my own self-employment taxes. Even though I am listed as an independent contractor, I am not allowed the freedom to set my own fees, choose my own working hours, or even wear what I want to work. I am treated as an employee, but paid as an independent contractor. My supervisor takes 50% of all my client's fees. Even after I receive my half of the fees, I have to set aside 25% for my quarterly self-employed taxes. It is very difficult to make a living on the fraction that is left. Because I can't collect payment myself, she collects the payment and sends me my half monthly. But she is often late in getting it to me, leading to a lot of stress about paying my bills on time.

My LPC-S ignores my texts, doesn't show up to supervision sessions

Not getting paid on time, not having time to consult, not following agreement

Having to pay \$300 a month for Supervision

Unfair and unreasonable pay, expectation of loyalty beyond internship *with fear of repercussion*.

The pay is not fair relative to the billing received.

My previous LPC-S made me do long assignments on top of me starting a new job in private practice at another office. My mental health was so low that I almost quit.

Occasional rudeness

I feel held hostage by my LPC-S who is literally robbing me by keeping 40% of my fees and causing financial hardship for my family. My options are so limited that ***I feel stuck, exploited and honestly abused.***

Not from my LPC-S but from the LPC-S who runs the PP I work at: Abusive emails when I set boundaries (e.g., EXAMPLE REMOVED TO PROTECT ANONYMITY), ***threatened to be reported to my LPC-S and the board when I was not submissive, been asked to continue seeing clients who did not need services any longer due to financial gain***, I am technically a W2 employee so it saves her butt but not compensated as such actually paid as though I am a 1099, etc.

Local Mental health authority takes advantage of interns by paying them very little and being unreasonable with caseloads.

A previous LPC-S was charging me \$150 a session while I was seeing one client making \$65 a session. This went on for almost 4 months before switching supervisors.

being a 1099 employee when I should really be considered an employee.

My Supervisor fired and discontinued supervision after I refused to pay for Zoom.

Overall, it's hard to make any money as a licensed professional. It's a problem all over. I feel like I get some respect, compared to others.

Financially

Seeing clients through certain insurance companies that don't allowing lpc associates to see clients through them. I believe this is done because of greater pay out (aka more money for lpc-s). If I refuse to see insurance clients, I don't get clients. My lpc-s doesn't advocate enough at all for private pay or sliding scale services (again because the pay out is less and doesn't benefit her enough).

Dangling or threatening to not sign for hours and stating they would be unwilling to sign hours or make supervision. Threatening to make me lose a months worth of hours if I didn't comply to their schedule, when I had another job that they were well aware of and were required to sign off on approving my new site, besides their personal business where I was also employed.

My supervisor has not provided quality supervision and often misses our appointments. She tells me it is my responsibility to reschedule even if she is the one who misses the appointment. I often have to "track her down" for these appointments. I always reschedule to make sure I get my hours, but it creates challenges for me to coordinate childcare on additional days. She consistently charges me for supervision before "making up" the missed supervision.

I have a good and fair supervisor.

Few jobs are offered, so when one is available I feel LPC associates are desperate and less likely to want to negotiate things like pay or benefit. ***There is an unfair power balance***, especially when LPC associates are employed by LPC supervisors. ***One common experience that I also experienced was being hired as a contractor but being treated like an employee, with prices (and cuts of prices) set for me, rules against working elsewhere although not many hours were provided. As someone struggling to find work to pay my bills, my supervisor asked me to turn down at least two interviews because she considered them competitors although I was being paid as a contractor.***

I have been fortunate to not to have been taken advantage of by my LPC-S, however I understand this to not be many LPC Associates' experience.

In many ways! *Not wanting to sign-off on hours due to contract disagreement* therefore that led to seeking Supervision somewhere else and place of employment.

Taking a large fee in my private practice.

Been told to not trust my administrators clinical judgment as well as not allowing me to consult with other clinicians in the office despite leadership giving me permission.

I was overworked and under paid and had no say in what clients I felt comfortable seeing. I was expected to work weekends, nights or camp events and had no choice in working the extra hours. The last few months I switched to being a contract therapist. Now I don't have insurance or time off but I more freedom in how much I work. I am recovering from seeing too many clients with trauma by seeing fewer clients however it extends this already challenging process because of the need of direct hours and I am making even less money so there is stress on that end. It's a catch 22.

Being asked to help the lpc -s with the expenses of running a private practice
The amount of supervision hours required each month - and then the amount charged to reflect that. Some months I'm required to do 4 hours, other 5 hours.

I have felt that my LPC-S has attempted to emotionally manipulate me from changing supervisors and taking jobs that I was considering.

I feel incredibly honored to have a fair and scrupulous supervisor that is transparent about her practice set-up. I know my situation is rare. To be in this position, it meant I had to have the financial ability to go almost 6+months without making any real profit and all aspects of developing a clientele, networking, gaining additional agency hours was solely my responsibility.

Being told I have to pay for supervision even though I didn't have a job or clients

I had an LPC-S only want to pay me 40% of what I was going to make in private practice. It would be impossible to make a living on that.

Being asked to pay more for supervision when my supervisor found out I would get supervision reimbursed from my current employment.

Charged high supervision fee with little in return. They did not have a private practice, but were attempting to start one without really being ready. They set the hourly rate, but there was no discussion on how or what I would be paid. Was never paid for the couple of clients I did see. ***Not being given ANY split from clients that specifically came to the practice because of me (supposedly goes to overhead and rent- her office is NOT my place of employment) but still being charged a full supervision fee despite how many clients I bring in, and yet, being encouraged to bring in clients (that I am THEN precluded from taking with me due to a required non-compete!). She doesn't want to have to do 1099s.***

I don't but only because I pay for completely independent supervision. I work at a practice not associated with my supervisor in any way. I did this so that there would be no conflict of interest.

Because I'm an intern, they feel that we can do everything without us sticking up for ourselves. I am currently managing all insurance reviews for PHP, IOP, and another program at my site. It is around 30 people and it takes up majority of my time (~5 hours a day). I am also seeing patients for individual and group therapy. i work close to 40 documented hours but do a lot of work at home that i don't document because my boss does not want to pay us overtime. ***i am exhausted and cry constantly.*** i feel like i am a therapist - not an insurance manager.

Fee splitting, hours worked, no bargaining leverage

I often felt that I was severely limited in my employment options. I did not feel as though working in my supervisors private practice was financially feasible at \$20/hour. My supervisor was not flexible about the wage and I often felt that I needed an entirely separate job outside of the counseling field to be able to pay my bills. While this may not be an "LPC-S" issue, it is a systemic issue that deserves to be addressed.

I feel like I was tricked into signing a contract that I cannot get out of. I have to pay \$300 a month for the remainder of my contract is ended early. As a result, I believe that I am treated poorly because it is known that I cannot leave without having to pay money. I am asked to perform unethical things and when I push back I am told that I am a bougie therapist who wants everything handed to her. In addition to 50% of all client fees being taken and being a 1099 employee. It's hard to stand up for yourself when from the beginning you're treated as less than

Only problem is not getting paid a fair wage for education and professional experience and no opportunity for benefits due to it being a small business.

Being forced to pay high fees for supervision when interns are paid so little that we are struggling to survive: pay rent, student loans, food for our children.

By giving 50% of my session fee to my supervisor plus paying \$365 a month for supervision that isn't even adequate for the population I'm serving (supervisor only sees adults but has me seeing adults and children in the practice- so I have to consult with another LPC-A who only sees children)

I've been treated as "less than" at every job I've had. Each employer tells me on the regular that I'm not licensed. They use the word Intern and Associate as if it is a dirty word. They have paid me peanuts for indirect and direct hours. *They take as much as 70% of my pay.* This has caused me great emotional distress. *How am I supposed to help others with their mental and emotional well being when mine is constantly degraded?* They even advertise the intern status as less than by offering lower rates. That doesn't make clients have much confidence in us. My previous supervisors have been controlling and demeaning and aggressive towards me at times. One supervisor hired me and then fired me for being Christian. Another Christian male Supervisor at a famous clinic came at me aggressively because I am black. When I quit, he initially refused to sign for my hours because he believed I should have stayed and continued to be his punching bag for his racist antics.

I do a 50/50 split with my supervisor, I feel that I should not have to do such a large split of my session fees

My prior supervisor would not allow me to hand out marketing materials such as a brochure to doctors, schools, etc. Also, she did not promote me on her own Psychology Today profile. This led to me having only three clients in 14 months so I was paying a lot for supervision and room fees for not much income back. It seems silly that we LPC Associates have had so much training, so many expenses and aren't allowed to practice independently. The LPC-S can take advantage, if they aren't scrupulous. I think each of my supervisors have been ethical and treated me well, but the inferior position we hold makes us dependent on them providing an office space for us to practice in order to earn our hours. If it's their office, they don't want to share the space as often as we may need it and they get mad if we use their stuff, etc. Seems like we are treated as inferiors and this makes actually practicing and gaining the 1500 direct hours difficult. Specifically, I have extensive training in play therapy and more than fifty hours' experience in PT at a non-profit agency, but have found it extremely difficult to find a supervisor with an adequately appointed play room who is willing to share that space with me, or take me on as an Associate, so there are less children receiving play therapy in my local area who would have benefitted from me being able to sublease a space to offer play therapy myself.

Thankfully I do not feel as if I've been treated unfairly by my Supervisor. I feel I am treated unfairly by Texas law.

We are required to pay them monthly but they have all of the power. If they don't sign your hours for 3 months, what recourse do you have? They have the power

Insulting pay splits/compensation, especially with a Master's degree

I feel that I was required to work clinically without fair compensation and was placed under contract at a group practice that tied my hands for professional growth

My supervision severely limits my advertisement abilities. For example, she does not allow me to have my own website, stating that I am not allowed to have one. I have to use hers for advertising. When agreeing to come into her practice, she stated she would send me referrals. She hasn't, and continues to take on new clients. ***I pay 30% for overhead charges, however I practice from my home, so I am not using her office. I also still pay for monthly supervision, have to find my own clients, pay my own psychology today fee, have to pay \$20/month for therapy notes, pay my business cell phone, and liability insurance. I get no benefits other than using her business name for my 30%. Basically, I am paying to work without profit.*** ***REMOVED COMMENT TO PROTECT ANONYMITY, BUT SUMMARIZED:*** Being asked to pay the LPC S for referrals garnered from a mental health website.

Being bullied by an LPC S to act a certain way when not actively working to “fit in” to the private practice environment.

I feel at times I'm cheap labor to build their label/business

Constant Unprofessionalism (cancelling meetings last minute, significantly late to meetings, disregard for my time), no pay, no access to scheduling or clients, not allowed to advertise, unethical business practices (LPC-S told me to count a supervision hour because we were at the same training together, lying to clients), ***not signing the Supervised Experience Documentation Form after working for 2 years and paying supervision fees!***

Made to chores around the office

I get paid next to nothing while I work plenty of hours and take on a huge bulk of their clientele. Mental abuse by being blamed for things I did not do, and not given a chance to process or clarify. Being gaslit for the entire rest of internship. (This was grad internship).

Yes, she keeps over 50% of what the clients pay per session, I'm the one counseling not her. Fluctuation in fees, based on client size, location, or other. Due to LPC-S requirement, and need until fully licensed, there is not much one can do or say. ***Too much power in the hands of one.***

I have been told they would help with referrals and starting my own practice but did no such thing. They kept all referrals and continued to add supervisees to her load which crowded out groups and rooms in the practice. Although it was helpful when it was large because I received more support from peers than my actual supervisor in group supervision. Due to having a job at a facility my supervisor did not give full support on ethical guidelines or training because I had another supervisor at my job. So basically I was paying to have someone meet with me for multiple hour a month without actually trying to supervise me. I had my boss at my job do way more clinical supervision but because she was not an LPC S I had to pay someone else. ***It felt unfair to pay for someone to approve hours but do no supervision.***

Supervisor requested a split that made the LPC Associate lose money. I had to fight the request but still the amount paid after supervision and all is negative. I make money through another part time. ***Associates make almost no money and it is shameful the exploitation and the normalcy in paying individual such low wages. It is a total of up to 5 years making no money for this profession. Not paid for indirect hours so if that was calculated it would be negative and that should never be an option.***

I have been working exclusively online since the lockdown, using my own equipment and space. I am paying almost \$400/month to my supervisor for supervision, plus 50% of what I make from the private practice.

Not paid for my work (ind/couple/family counseling or group counseling) or paid \$10/hour as a licensed Intern with a masters degree.

My first supervisor (have since changed) would not meet with me, wanted me to make staff meetings count as supervision, and encouraged me to break board rules.

My supervisor charges \$90/hour and spends much of the hour talking about their own issues, ranting about their own political beliefs, and asks us to COMMENT EDITED TO PROTECT ANONYMITY: asked to engage in tasks that promote the practice or the LPC Supervisor's business building unrelated to Associate.

LPC-S asked for 50% of the fees per client and charge separate for office rent. Net result the amount coming to me was barely 35% of the actual fees. I approached another LPC-S and took part time job whereas I wanted to start my private practice so its a set back.

It just seems like an exploitative process in general only possible if working other jobs or for the independently wealthy with majorly restricted autonomy. I don't want to have to work with families (LMFT-A) to be able to have a private practice sooner. It is unfair.

I was not sure if some of my supervisors billing practices were ethical and legal and felt like I couldn't talk to anyone about it.

LPC-S pressuring me to see clients that may have health insurance and billing under their name, not mine. Not allowing me to see any of the financial information so I don't know what the client's insurance situation is unless I ask the client themselves.

When they take half of what you charge clients, then more for supervision, then another office fee..what are we supposed to take home? Feels like I'm nothing more than a cash cow with a Master's Degree.

I work more hours and see more clients than my LPC-S per week, and only take home about 20% of what I earn for the private practice.

I had an extremely hostile supervisor during practicum. She advertised that she did medical management, but she had not qualifications to do so. She fired me because I refused to turn over my personal patient list to her (not associated with her practice) for her personal marketing. I tried to explain to her that it would be a violation of HIPAA, but she accused me of being insubordinate. I had group supervision 3 hours and received no more supervision for the duration of the year. She also billed insurance for services rendered by students.

LPC S decided to include Christian Counseling as the main theory for counseling despite me not feeling comfortable with this. I was told to attend the AA groups he hosted or he would be upset. I explained that because of past trauma, Christian Counseling was not an option for me as a counselor. LPCS insinuated that without mentioning God in counseling, counseling would not work. This was not mentioned in initial interview or even during previous weeks when we were discussing the supervisor relationship. I felt blindsided and uncomfortable each time it was discussed.

The LPC-S not valuing my time as opposed to them valuing clients time.

I've had a difficult start when an agency 2.5 hrs away (I live in a rural area, but have friends in SA) hired me part-time, promising to include supervision. I had a difficult time finding any site bc there are no supervisors in my area and jobs are scarce. The agency then couldn't find anyone in their agency willing to supervise me (apparently they were stretched too thin), and strung me along, asking me to just cover a few more groups, until I finally quit. They used me knowing they had no LPC-S, primarily because I am a Spanish speaking Associate and they had no one else trained. I lost months of being able to accumulate hours. *I *WANT* to serve my Spanish-speaking rural community but I'm not able to in any agency unless I move and accept conditions that don't help me reach the LPC any faster.* I have opted to do telemental health for

a private practice (serving Black & Brown clients) and had to hire an LPC-S that is also internet based. My PP supervisor is very flexible because I live in another city but the ability to serve my rural community is highly limited because those in my community are not internet connected and are primarily Spanish-speakers which has meant that I have translated all documents for the PP at no pay, and if I want to see clients in person, then I must rent a location - but I would need to be an independent contractor/business owner because the PP will not be renting extra space for my clients in a location where they don't pull most of their clients. My paid LPC-S is a Spanish-speaking supervisor in SA and although things have been going smoothly, what I pay her per month is sometimes more than what I make at my part time job at the PP. It's been a nightmare - I returned to the counseling field (for a PhD) after having graduated (Masters in Counseling) 20 yrs ago and having had many well paid administrative positions not in counseling but I chose to pursue this as a passion for serving my community. ***Because I am tied to the owner of the PP, I am tied to a paid supervisor that has so much less experience than I do, I am not serving the population I want to serve in mental health. For mental health service, my hands are tied.***

Paying an extreme amount of money for supervision (\$125-150 per hour/\$500-600 a month) when I didn't even have a job yet because supervision is required to apply for LPC Associate licensure. And still paying those rates after receiving a job (not with LPC-S) that barely pays well enough for me to live.

First LPC-S marketed herself as someone who can help me with gaining clients and show me how to run business. After one year nothing improved yet I kept paying her for supervision. Eventually I tried to move and find another supervisor but she got really upset and said I was going to help you with your goals and you should have come to me sooner. Basically guilt tripping me despite me already providing my concerns for months. It was financially unsustainable for me and I stuck around far too long. Others before me who left had similar experiences with supervisor. I paid an exorbitant amount for many services all by myself and she didn't provide much supervision since I wasn't getting any clients. And her supervision didn't challenge me and help me grow either. Any time I addressed concerns she said she would try and then didn't or guilt trip me for my concerns. Felt like she was just a supervisor to get money.

Making LPC a's meet weekly instead of 4x/month and getting more \$\$ from us. Not counting things as direct therapy that could help toward hours (hotline work).

Required to volunteer for supervisor 20 hours at a for profit contract job.

Non-compete from supervisor that would not allow working for other counseling jobs to earn hours.

Told that only hours in her practice would be counted.

*Refusal to allow an additional supervisor or to supervise/ allow any work outside her office.
5 year binding contract to work there in a contract role because they are "" helping you build
your practice""*

Requirement to meet twice weekly in the middle of the day (not for supervision) which prevents taking on another job.

*Requirement to take all significantly reduced rate clients where supervisor still took %60 of fee
which left the wage non-livable*

*A "" Barter "" system for supervision fee that required 20 hours of administration work for 1
hour of supervision (which priced hours under minimum wage and prevented other work)
Requiring 40 hours of work/ attendance at office, but only paying for client hours*

This doesn't pertain to any specific supervisor, but supervisory practices in general. It's very expensive right out of school to be able to afford supervision if one is a single female without financial support. We are expected to work a full time job to pay rent and bills, then go pay someone else to work more (which seems counterproductive) or volunteer our time to gain hours with ""free"" supervision. *How is one expected to maintain the tenets of positive regard if they are constantly broke and exhausted? It's not the supervisors, it's the system.*

The financial barriers to enter the field disproportionately affect minority and working class women who want to enter the field as professionals.

Equity expansion requires diverse counselors that can provide much needed shared experiences and perspective to an increasingly diverse client base. *Minority parents and children living in the suburbs should not have to spend hours searching for a counselor who looks like them just because counselors that look like them can't afford supervision in the suburbs because they aren't married or aren't financially stable enough to afford private supervision.* Additionally, someone who has obtained a masters level education should not have to work a full time job, then literally be forced to pay someone else to do the work they just paid thousands of dollars to learn how to do. *It seems like the system is in place to perpetuate greed, rather than genuinely contribute to the enrichment of the new counselor.* If one isn't financially supported, the only things achieved by forcing new counselors to pay for supervision are feelings of exploitation, burnout, and barriers to entry in communities where counselors are needed the most. "

I do not feel that my LPC-S has personally treated me unfairly, but I do believe supervision requirements are excessive given our education and practicum experience as LPC Associates.

The limitations to our income with a provisional license makes it extremely difficult to make a living while paying for supervision.

Working way too many unpaid hours outside of my job description and being told it would be good for my "indirect" experience. Being talk to in very inappropriate ways, being told it didn't matter how much I got paid because I had a husband who could "support me", being told getting pregnant was a bad idea as an intern, very abusive situation (same supervisor). Being ask to pay \$300-\$400 monthly for supervisor and still getting 50% taken for every session, and I've heard this is typical.

The LPC-S Fec, the low pay, and the workload.

Non complete pay, free labor

My previous supervisor was my supervisor at work also. She still charged me for supervision of my licensure although she did the exact same work with other employees who either were not her interns or were fully licensed. She stated that the county (our employer) did not compensate her for her time and efforts. However, we met during work hours so she was double dipping and it was literally her job to supervise me and support my work with clients. I just switched supervisors because what other option did I have?

I only receive 30 percent of my session fee which my supervisor set at 45.00. All other supervisors in my area were not cost effective for what they offered. While I haven't been taken advantage of horribly because there are not a lot of supervisors in my area it's extremely difficult financially.

My supervisor is typically doing 7 things at once and rarely pays attention to me in our hour. It's incredibly awkward

Being required to have 5 supervisions in one month

Taking supervision from me and a portion of the pay for the clients I sec. I don't like having to pay half a weeks wages just for supervision. *I work for her practice, but I pay for my own access to simple practice and psychology today*

Payment amount is not regulated and should be.

My personal LPC-S is among the best to be found, but I could find no supervisor who was hiring associates on a W-2 basis in private practice. Because I needed steady income, sick days, and health insurance post-graduation, I began to work for a prominent and highly-rated psych

hospital in the area. I say that it is well known and highly rated because this is the BEST treatment I found as a W2 employee situation as an associate. Still, I was over worked and underpaid; I often was expected to do the work of several people and continuously threatened that, even though I was an exemplary employee who received several promotions (without pay, of course), if I did not like my hours, felt my workload was not manageable, etc, that they would simply hire another associate to take my place. They exploited the impossibility of finding consistent pay as a recent graduate by hiring people who were waiting for their associate licenses to be approved as techs or recently licensed associates as PRN with the promise of a full time therapist position the hospital did not have; my boss on several occasions outright admitted to me she exploited our desire to get hours and the terrible job market in order to get associates to do more work for less money than they deserved. I would be expected sometimes to complete 8 hours of therapy in a day, keep up with charts and paperwork, and do the utilization review for an 80 bed PHP, and if I said it was too much or asked for help at any point in my 10-12 hour day, I would be told that she was "doing me a favor" by giving me so many hours. She would very frequently tell me should would bring in help or help me personally and then disappear- I mean leave the campus, stop answering her phone, not come back for days. She once called the police to escort a patient to the hospital at 8pm and then left without telling me, leaving me, an LPC associate with NO title of authority nor pay to reflect any authority, alone to tell the patient, work with the police, and call hospitals to find beds. I could go on for days with small anecdotes like this one. This is clearly an example of a bad boss who took advantage of everyone, but she especially and explicitly took advantage of associates. I never filed a complaint with the board, but because of the way our licensing works, (I waited nearly 6 months to get my LPC-A approved by the board when I applied in 2017), it leaves LPC Associates in a vulnerable position. No one can complete a graduate program, after which most of us have had to intern as graduate students at a full or part-time capacity for free for a year, wait months on end to be able to work in the field, and then be hired at either a low wage by a hospital or agency or an inconsistent wage with no benefits in private practice without making it extremely easy for people to take advantage of our desperation to do the job we love. Please excuse the run-on sentences.

I am responsible for paying for my own Psychology Today and recruiting my own clients, however my LPC-S still takes a minimum of 50% of my client fees.

Being paid less money, working more hours, all while being expected to pay a supervisor on top of it all is difficult. ***Taking away the option of transferring 600/3,000 graduate hours just prolongs an already incredibly taxing process.***

An LPC-S asking money for herself per client if I wanted to take clients with me when I left my supervision with her. I had found those clients myself through marketing I developed and

this was a direct violation of board rules which she had clearly not been trained on or had no knowledge of.

Not paid in a timely manner, under paid due to status as “intern”, overworked, belittled and talked down to, overcharged for supervision (honestly this should be free. We make NOTHING as LPC-associates), designated to “paperwork only” and not given counseling time.

At times receiving poor quality supervision and feeling that there was nothing I could do about it because I needed them to sign off on my hours.

Unfair pay 40/60 (40% to the LPC-associate)

When I started with my LPC-S she charged me \$350 a month and 30\$ per session for 'room rent'. Any online sessions I had she charged 15\$ per session for 'admin fees'. Ever since the pandemic started and we went all virtual (she closed the office) she said that in order for the practice to stay afloat she would charge every session 30\$ even though they were all online. So I'm basically paying a room rent fee with no room. She also upped monthly supervision to \$400 a month. Similarly I have yet to have a one on one supervision session with her. She has anywhere from 8-12 LPC-Associates at a time and only offers group and dyadic supervision. It's just a revolving door of associates that she can profit from.

Mainly just the cost of supervision seems to be astronomical. I have been lucky I feel like my supervisor is very helpful.

I have not had this issue but there seems to be a problem in regards to the board not being clear on W-2 and 1099 workers for LPC Associates. Given that matter there is not a clear understanding of this rule therefore board clarification can help associates in the future. I get 5-8 referrals per month but usually end up requesting to use insurance.

The main thing is the expectation to take on other tasks related to the practice (such as doing marketing for the practice) without pay. Since my client load isn't "high enough", doing this extra job for the practice is a way of earning keep...even though I am only paid on a per client basis. And even then, I only get a percentage of the rate.

Local mental health authority give an inaccurate diagnosis in order to see the client to get money.

Paying 12\$ an hour for a master's level clinician and then turning around and charging 600\$+ a month (4 total hours of supervision) thank the Lord I was married and had someone to support me. I would have been homeless. All of these things the supervisor could decide simply to not sign hours if you made any waves...

My supervisor is seldom able to be reached in the event of a client emergency. This supervisor does not provide the items agreed to in our contract. Associates pay for almost everything out of pocket for her private practice. *She says she will provide things and then asks us to pay for our own and "take it out of taxes" later. This year I have paid for my own marketing (after she said she would market our services), my own docusign, my own HIPAA compliant Telehealth service, and these expectations were never discussed.*

I wish I was allowed an outside LPC Supervisor, but I stay because I need the hours and I need a job. *Sometimes supervision feels more like a "pay to play scheme" than a learning experience.*

I only get 33% of my client sessions cost

Not getting paid because they are doing me a favor by letting me get the hours I need for full licensure

Again, in my situation the exploitation is not from my supervisor (as her many goal was to provide quality supervision and peer consultation), rather the limitations of the board given the provisional license and the incredible amount of money it takes to launch and establish oneself as an intern/associate. The catch was getting clients interested in your services when we must be careful how we present ourselves at this stage in licensure.

My supervisor did not provide the clients for us. There is no pay if not meeting face to face with a client, no sick pay or health insurance.

My supervisor took me on but doesn't have room for me at her practice but her other associates do

Never received payment.

wages not reflecting educational and professional competency and no benefits- no health insurance or paid time off.

I don't receive any benefits. *Therefore, I make 50% of my fee, minus \$365, and then pay personal self-employed taxes for being a 1099 contract worker.*

I don't make a living wage.

The inability to lease our own meeting spaces results in the ability of Supervisors to charge us exorbitant fees or percentages for the use of their spaces (as 1099) or as W-2 to pay us, essentially, unskilled labor wages on the grounds that they provide benefits, social security, and

meeting spaces. They earn \$100 for an hour therapy and pay the providers of it \$20. This is untenable for most LPC Associates. These restrictions mean that the only people who have a hope of reaching licensure are very young people with minimal life experience and minimal obligations - and/or people who have an earning partner to support them during the transition. Anyone who is a bread winner, anyone who has a wealth of life experience, anyone who needs more than \$40,000 per year (gross - before trainings and professional expenses like liability insurance, therapeutic materials and equipment, they are presented with near unsurmountable barriers to licensure. Included in this is the ability to write-off professional expenses for the above. As W-2 employees there is almost no way to do so with recent changes to federal tax law - and so that minimal \$40k is taxed as if the additional thousands of dollars of supervisory expense, training, and equipment expense does not exist. If one is charged for professional supervision (above and beyond office space use fees) these expenses can easily reach several thousand in a given year. So a new LPC Associate can easily be looking at taking home something like \$30,000 a year - for a challenging advanced degree, for very difficult and demanding work, for high levels of legal and ethical culpability, often involving life or death situations or grave mental illness. ***LPC Associates need more options - not fewer. The answer here is not more rules telling Supervisors what they can and cannot do. The answer is more freedom for LPC Associates so that supervisors cannot profiteer on the legal restrictions that LPC Associates are confined to.*** Were there to be stronger regulation of LPC Supervisors, two of the most egregious problems that Associates face could be addressed via: Limitation of profits that supervisors may make on the therapy fees earned by Associates - including rent, employment benefits, supervision, and any percentage overhead. It is easy to imagine many ways this could be limited. ***Elimination of non-compete clauses.*** The work of developing a clientele is done by the Associate - *not* their employer or supervisor. They should have every right to take their clients with them when they are fully licensed. Further, this is in the best interest of the client. ***Better yet, eliminate the private practice restriction for LPC Associates. We have the same qualifications as our LMFT Associate peers - there is no reason for the disparity in restriction, resulting in these working conditions. If we were not legally bound to the preferences of our future competitors, many of these problems would disappear. Insulting pay splits/compensation, especially with a Master's degree***

Getting paid next to nothing, and I don't get the supervision I need.

I have to pay my supervisor monthly and can't even claim on my taxes this as an expense

I expressed my concern about not getting clients or marketing for my split and supervisor said she did support and that was the end of the story even when it was not as she is my supervisor and my only manner in which I can get practice in a private practice which is very uncommon for newly graduated therapists.

No mandate for fair wages.

Taking job hostage unless I took them as a supervisor.

My supervisor makes me feel threatened and unable to leave with statements saying leaving is betraying and they know how to take care of people who betray them.

My LPC-S got angry with me when I terminated our supervisory agreement. She tried to charge me a referral fee to take clients with me even though that is clearly against board rules. I was shocked that she did not know better and was coercing me to break a board rule to make money off of me, especially considering some of those clients came with me from my last supervisor.

Being seen as a way to make more money off of my services and skills. Taken advantage of. Overworked; unfair pay; no benefits; no PTO as a 1099 contractor.

As a new LPC- Associate (previously LPC-Intern), my LPC-S had me seeing two clients for her weekly so that she "could see how I take notes". After 8 sessions with each client, I questioned the purpose of this because I was not getting paid and my supervision fee was not being reduced... and I already had a job seeing clients. My supervisor became upset and said I may need to find another supervisor if I didn't trust her methods. Just like that, I'm without supervision and still had to pull teeth to get my docs signed.

It is incredibly difficult financially to be paying supervision fees AND getting only 50-60% of session fees. I understand supervision fees are meant to reimburse supervisors for their wisdom and time but the price should be affordable. And then on top of that losing half your commission on session fees, it's difficult to make a sustainable living this way!! And this is after we have training and experience and a masters degree.

Can't we pay supervision fees without also getting a cut out of the counseling service we provide to clients?! Not to mention we pay for our own psychology today, other miscellaneous overhead fees, etc. I just want fair compensation. I love this job and this field, it's so important. But it's difficult to maintain financial stability.

Paying for supervision regardless of if the supervisor is helping you recruit clients is unhelpful at best.

She takes 100% of client fees and I pay her full price for supervision

My supervisor takes 60 percent of each client i see.... seems way too high to me.

The LPC-S Fee, the low pay, and the workload.

My last supervisor “fired” me because I was referred a case that she doesn’t believe I’m qualified for (partner betrayal which she believed was sex addiction, I disagreed). After I told her I wouldn’t take on the case she fired me because my coworker and her other associate was seeing the other half of the couple and he lied to her about it.

Payment amount is not regulated and should be.

I am unable to offer sliding-scale unless 100% of the adjusted fee goes to my supervisor (every session) and I take on the client pro-bono (every session).

Supervisors requiring lengthy and constricting contracts with things like non-compete clauses or the inability to take your clients with you. *You could find out the next week they’re a terrible/unethical supervisor, but you’re stuck.* Unethical requests.

I think some of the freedoms that LMFT associates have that we do not have. we should have the ability to have our own private practice. Also, we should be able to count hours from graduate school. The wait times seem really unfair as well.

The comments at the meeting from the board that an associate shouldn’t be learning to run a business and becoming Fully licensed is a gross exaggeration of their authority. My financial/taxes and ability or knowledge to own a business is not governed by the licensing board.

There is no curriculum or anything. I have to use a specific supervisor because it is where I work and part of the agreement, I pay for that (it's not included) and I pay a percentage of client fees. I am expected to show up to supervision with the agenda for the meeting. Each meeting!

I left my first supervisor due to over-charging. My current supervisor is lovely

I do not work for my supervisor, there are entirely different issues with the company I work for. Example, I’m 1099 but they made me sign a non-compete which TWC says is not okay. I get paid \$20 when they get closer to \$90 while I’m paying for everything except finding clients.

I am employed at a private practice and have an LPC-S outside of that practice. My employer takes a percentage of my fee (I keep 60%), I work 90% from my own home, I pay for my own Psychology Today, for months I paid for my own doxy.me, and I do maintain a paid website bc I have been encouraged to recruit my own clients. 90% of my clients have come through my own PsychToday or website. I am expected to attend meetings by my employer unpaid.

I do not primarily work at my LPC-S' private practice so I have not encountered as many issues as others. The 1099 arrangement makes me nervous and the percentage my LPC-S takes from client payment seems fairly high.

Having to pay about \$300.00 every month for supervision is costly. Especially when the only jobs as LPC Associate are not well paid.

The power differential is such that we have little control over how much our supervisors take from us. We have to have supervision to become licensed, we cannot operate our own practices like LMFT Associates can, so we have no choice but to accept the least financially devastating arrangement we can find.

Health insurance if a minimum of 35 clients per week are seen each week of the month

Thank you for raising attention about this incredibly important issue!

Felt like I was so limited on options of where to work and supervisors that I had to agree to whatever was offered to me. I get 40% of what I make and am offered very little in return. I was originally told I would likely have a full case load within first three months. Now, 16 months later I have about 12 clients, 4 of which I recruited or found outside of my supervisor.

Given the COVID-19 pandemic I believe the board should make it easier to extend the 5 years to obtain all 3000 hours as a LPC Associate.

In interviewing for LPC Supervisors I found a clear distinction between those who pass on their knowledge and experience as Professional Counselors, to train Associates and improve the Profession. *Many more LPC Supervisors are terrified of the competition, they struggle for money and desire control for their personal gain.* It may be suitable for the Board to consider superb regulatory standards for Supervisors: such as twenty years of defined Clinical experience with no regulatory, insurance, fraud or disciplinary actions; a routine 300-400 question written exam, with a panel case component, and a terminal degree in their area of expertise. Along with a CPA certification of their financial integrity to provide a stable professional environment for Associates. My personal LPC Supervisor has elegantly grown her professional life to this point, except for the PhD and the CPA. Her reputation is as quiet as her expansive intellect. My only concern has been the continual substantial job enticements she receives and my capacity to keep up, as she remarks, "Oh, I like having one Associate, so I can teach you more", as she smiles and sends me on my way. I am very grateful

My current supervisor is one of the best and provides competitive pay, *but there are no benefits, and we're on our own for health/liability insurance, time off, etc.* I have also been in situations where a (different) LPC-S has been responsible for providing clients and *revoked work privileges for not getting a minimum number of hours despite the LPC-S not providing enough clients, or the LPC-S played favorites when distributing clients around the agency which also resulted in a write up. We need a way to anonymously report behavior like that or share ratings of LPC Supervisors.*

The financial burden of being an LPC Associate is absolutely ridiculous and prohibitive of optimal outcomes. It's as if we get through graduate school only to be hazed via poor status and financial hardship. As in: "Only those who can withstand this financial and status abuse shall prevail!"

This process is extremely discouraging!!!! It's hard finding decent jobs as a LPC Associate. It is legitimate contract work, so benefits and vacation are not included per standard practice.

While she takes a small percentage, I actually enjoy working as a contractor with my own freedom to dictate my client load. The arrangement works well.

Allowing LPC Associates to independently bill customers would eliminate the problems so many face related to exploitation.

It is time for the board to step up and take a stand for what our profession is suppose to value and liberate the LPC Associates and begin actually holding LPC-S accountable.

Because of the HIGHLY limited opportunities as an Associate, I've felt forced to "white knuckle" it through being treated terribly and unfairly. *It's time for a change. We deserve better, so we can be better for our clients.*

I can take "sick" and "vacation" days. I just won't receive payment for those days. If I take a vacation, I know it comes at the cost of losing a weeks worth of cash clients (same if I get sick and can't work).

Thanks for collecting this. I hope it's to help with parity among counseling professions. You graduate and student loans are due and you're trying to make a living and you find you cannot set your own rates (they are set for you with no negotiation in many cases), no benefits, \$24/hour job, do all your own marketing (then they take clients from you if they want them even if they were your referral), if they give you the clients it's the ones with no shows, pay for the therapy platform, pay supervision, etc. There's a mental aspect too- one of being less than, not a colleague, (ex having the client sign 3 forms and initialing in 6 places that you are getting

counseling from 'just an intern', I get informed consent but after reading the consent I doubt my own abilities. The intern to associate helps a lot with this because an intern is someone in school. Therapist supervisors asking you to train them on things your trained in for your supervision time or talking about their personal problems. Having you do all the documentation for licensure, not even keeping track of supervision session content themselves; not signing your weekly or monthly supervision sheets in a timely manner (like once every 6 months). Making you pay for your own electronic records subscription and of course insurance. ***It's like being in private practice expense wise and then some without any of the benefit.*** Without any prior signed or verbal agreement about clients when you leave, when I left the practice for another practice and supervisor after 6 months, they said the clients belonged to the practice and they were keeping all of my clients that came to the center through only my advertising (was never listed on website). Made me inform all my clients who they would see at the center. I was terrified to leave that she would trash me all over town at the start of this career but ended up making the move for my own sanity and started over with someone else. Still no benefits but I get to set my own rates, she does some advertising for me, I am supported and learning so much more. She is 70/30 rather than 60/40. It makes a difference. It was a good thing. But I feel sorry for those who can't leave or who don't know there is other, better ones out there. The IRS definition of employee is clear. I know I should have been an employee (went they this at my day job as a director). I hope the IRS cracks down on this in this field. I love counseling and helping ppl- but it's definitely a side job especially after graduation. Because for a master's degree profession, \$24/hour, you can't live on this and even support yourself. I make \$65/hr in my other position with a bachelor's degree. I graduated with distinction and have a very successful career in human services field and have exception employee evaluations so I'm 99% sure it's not any subpar work or anything like that. This is how we all were treated.

Whats wrong with this picture? #counselorgrad12monthsofpoverty. So far

I have gone to school for the last ten years and should be viewed as competent to run my own practice under supervision.

I have a good supervisor but don't like how hard the board makes it difficult to be gainfully employed after graduating. Thank God we are now called LPC Associates instead of interns. I'm also grateful that Cigna is now allowing billing for practitioners that are hiring LPC-ASSOCIATES. I work for a private practice so once I'm set up with them, I hope to receive a more steady flow of clients.

I am in private practice, but my LPC-S is not associated with the private practice I work in. There are far more limiting factors for LPC Associates in private practice other than working under their LPC-S. ***I believe it is highly important to advocate on the behalf of associates working under their LPC-S because it appears they are regularly taken advantage of.***

I actually have a great supervisor and have never felt taken advantage of. It sad to learn that is not norm for many associates.

Unfortunately when I first started as an LPC associate I didn't know many things and thought my Supervisor was going to guide me, however my initial experience was not helpful at all but was taken advantage, being able to operate my own practice can definitely be helpful in being able to help others without feeling I'm being taken advantage of or being on the alert as I don't know who may be doing it again next, I should focus only in providing help for my clients and not dealing with this kind of stressors. I have seen the same experience happen to other colleagues where they ended up moving to other practices because of the same reason. Thanks for reading this.

Compared to Occupational Therapists, who are considered doctors by the time they graduate and can work in their own, we have just as much education and more fieldwork by far. We are being used to work for very little pay and extended hours. *It's such a discouraging process that many don't complete it because financial, mentally, emotionally and physically it's just too challenging to be treated the way we are treated for years. It seems to go against all that we as therapists advocate for.*

It is very difficult to get health insurance as an associate through private practices. For this reason, I feel very limited in where I can apply for jobs due to having a health condition and needing health insurance.

It would be nice if the board allowed us to receive supervision from LMFT-S I'm currently working with one and basically already doing supervision with her but it doesn't count

It has been my experience with both supervisors that there is little to no discussion on payments. *Current supervisor sends me random payments through money transfer app but I never completed a 1099. I was unaware that I was supposed to be with holding my own taxes.*

Supervision fees are ridiculously high long term expenses for Associates- especially considering the low pay we receive as Associates IF we can find a job at all (topic for another survey!). I hear a lot of people who get out of school, can't find a job as an Associate, can't afford supervision fees, and give up completely. What a waste of a good education and time and effort and expense!!!! I love the supervision concept though - I am also an attorney, I wish many of my younger colleagues had been required supervision as we counselors are! But, as Counselor Associates- for YEARS - we are treated as second class citizens and struggle to get to that elusive rainbow of full licensure.

I whole heartedly support this effort. *As an LPC associate and a 1099 employee at a private practice, I pay for everything. It is demeaning that I must have someone over me to be a mediator between myself and my client to collect funds and pay me for my services.*

I think my LPC-S is better than most, but the system itself is unfair and exploitative

Not having the ability to have my own practice and accept payment directly limits my ability to advocate for myself

I've had a very good experience with my Supervisor, other than the delay in getting paid, and in getting the rent paid on my office space paid on time. She is brilliant and available and my hero in the field of trauma treatment. *That said, the infantilization of LPCs is really onerous. We should be able to pay our rent directly, and receive client payments directly.*

I had a great experience with my LPC-S. It was too hard to get into private practice, many supervisors or sites don't want interns. Completed all of my hours in non-profit.

Although I currently work full-time at a university, I am interested in going into private practice but haven't because of many of the issues my LPC Associate peers face in terms of compensation and exploitation. My LPC-S does not own a private practice and I worry about working at a practice where I essentially would be required to change supervisors or pay two supervisors separately. *The primary reason I have not ventured into private practice is because I know many of my peers are overworked, underpaid, and undervalued for the level of services they provide. At this time, I need to provide for myself, my family, and our healthcare, and the current private practices arrangements that many have are simply not feasible for me given these commitments. I hope that one day this will change,* and I can add private practice work on top of my full-time position and hopefully transition into full-time private practice.

I feel like Associates are treated like graduate level interns and we are not. We are professionals who have graduated and can provide services. It does not seem fair that other people who have the same level of education can operate independently. LMFT Associates can do this and we basically have to the same education. It really seems unfair to us and it's frustrating to be treated like the red headed step children of the counseling field.

Our field does not pay a lot and then having to pay a supervisor who does not support you in any way is very defeating

This survey does not address my situation. I work at two sites. I work as a 1099 contractor with a practice and I work as an IOP therapist at a hospital. My supervisor is not affiliated with either place. I pay her per supervision session. She is not my employer.

I love my LPC-S and I am very glad I work with them. However, I wish I had the opportunity to make more than 20,000 yearly and I also wish I could have health insurance. If I want to be able to thrive personally and professionally I will have to work 2 jobs in order to gain access to insurance benefits and a competitive yearly income for having a master's degree.

This has seriously caused me to have depression.

The supervision fees, room fees, percentages taken from our session fees, and the other marketing, software, and training expenses we have as Associates makes it almost impossible to earn a living wage-- this is a hardship for us and makes it harder for us to serve the patients who need help.

*An additional expense that is not in the above list: HIPAA compliant electronic communication, including video conference, email, text, phone, voice mail. I want to stress that working as 1099 contractor is not a hardship - the answer to Supervisory abuses is **not** more restriction on LPC Associate options - the answer is fewer restrictions. What is needed is **not** more oversight of LPC Supervisors, but more options for LPC Associates so we are not bound to a captive and monopolistic labor market, restricting our earning far below what our training and expertise warrant. We are probably, typically, earning 40% of what our education, training, and expertise demand in the market - that other 60% is going to the businesses that we are legally bound to labor for.*

My LPC-S is incredibly supportive. I may use her office space (for \$15 room fee/client), charge whatever I want, have whatever schedule I want, and keep the clients once I'm fully licensed. Sadly, I have not been able to avail myself of this opportunity because I work full time outside of counseling and needed an instant caseload of clients. This means I am moonlighting at a private practice agency (for what I consider poor pay and a lot of rules) simply to have a built in set of clients (who I cannot take with me when I leave).

So many places refuse to hire an associate. Finding a job has been extremely challenging and frustrating.

Minimal pay combined with costs of supervision often left me financially in the red even when seeing a recommended number of clients per week. *Due to contract stipulations I found myself feeling stuck in my circumstances and unable to negotiate or transition to another position without forfeiting my accrued hours.*

It would be helpful if there was a minimum percentage that we get paid per client/hour or a set arrangement for us to make a livable wage while earning hours towards licensure. Being able to practice on our own w external supervision

I felt completely exploited as an intern, unable to charge a higher enough fee and having to give 40-60% to my supervisor. In order to keep 60%, I had to do over 81 sessions/month, which felt like too much for me. also then penalized for vacation because you would have to move down a tier if you had fewer sessions. As a 1099, I then paid taxes out of my percentage, and health insurance, and liability insurance. The second I got my hours and got my full LPC, I opened my own practice and doubled my income doing the same amount of work. I would rather have laid a supervisor and had my own practice.

My LPC S provides a place of business for me to work, and I am not responsible for any overhead costs. I do make a fair percentage of the client fee, however, I have a limited number of clients since I cannot accept insurance. ***After monthly supervision cost and the percentage taken out for client payments, my income ends up being very little.*** Like most LPC Associates, I am forced to keep a full time job and do my counseling on the side. This makes for long days, long weeks, and long weekends. I'm a single mom so I don't have much flexibility with time and money. I worked very hard to put myself through grad school while working full time, and it is very disheartening to graduate, obtain a license, and not have the ability to use it full time. LPC Associates should have supervision, yes, but should also have the opportunity to put our license to use to make a decent salary. One way to rectify this issue is to allow Associates to bill insurance and hold private practices.

If, LCSW's now have the ability to perform many practices of LPC-A or an LPC the rules should almost be parallel in reference to supervision & other expectations. The process of becoming an LPC is strenuous, ***yet the least valued in the mental health profession.***

I work at a non-profit organization because it did not seem feasible to work in a private practice. It did not seem that route would offer reasonable pay, sick leave, health insurance, etc. I also still pay quite a bit for supervision...I know there are others who pay more, so I try not to dwell on that.

LPC Associates are truly exploited via the profession and expectations. So shameful that LMFT-As get to open their own practice with the same education and requirements. Thank you for being the voice for the voiceless. Long time coming!

We need protection or the ability to gain more income

I have worked for a LPC - S for my other licensure (addiction counselor) and I have witnessed her exploiting other LPC - Associates. Reduced fees (paying online 40% to them and keep the rest.

My supervisor is great! She doesn't charge me supervision fees because I am 1099 and she considers that to mean that I work for her. *She does take about 60% of my client fees* that go through her practice, but not for the other places that I work.

I work in the group practice owned by my LPS-S. I pay supervision fees I receive 60% of client fees up to \$2500 per month I receive 70% of client fees over \$2500 per month I love the practice and I wish I received a larger percentage. I do not know how this compares to other Associates arrangements in other private practices

My LPC-S is very bad at running a business and *because of board rules I am at her mercy*. My LPC-S before her lied to me about the ease of finding clients and I felt she did very little to help me get clients and I was still paying her. My business arrangements with LPC-S have been very difficult to navigate since they are also my supervisors. The relationship would be much easier if I could run my own business and just pay supervisors for their time to supervise me.

I wish more LPC-S in private practice would hire LPC-Associates. The main reason I've seen as to why, is because we cant take Insurance clients. We are always stuck between a rock and a hard place.

All alternative positions I have interviewed for are: LPC S takes a percentage of client fee LPC S charges me rent LPC S charges me for "overhead" costs (not rent) I am a 1099 contractor I pay for my own Psychology Today I pay for my own website I am responsible for recruiting my clients I pay for my own liability insurance Without any benefits but required schedule attendance and hours are required, but only paid for clients that pay, percentage of pay is given if/when client pays supervisor. In other words, LPC-Associates are treated like employees but paid as a contractor.

Recently my LPCS has made several racists comments in the realm of *"you're a minority so you can get what you want"*. *I feel as though I have taught myself all information that I have learned during supervision and am paying someone for a signature. When I ask a question, I am told to "look it up" and I often have to consult with other LPC's that I associate with instead.* I am very close to having my 3000 hours and becoming an LPC. Though I wish to change my supervisor, other supervisors have extremely high monthly fees for supervision and I cannot afford to change. *In addition, it is common knowledge that getting a response from the board is nearly impossible right now. I fear that if I were to change my completion date would be extended, which is an ominous feeling. LPC Associates, myself included, are often taken*

*advantage of by the LPC-S (do this for me...or else heavily implied) and nonprofit and community MHMR organizations. I am currently making a salary that is about \$10,000 below the average rate, however, I am forced to pay for my own trainings that are requested by the LPCS and my work, see an overwhelming amount of clients daily, hold counseling groups, and somehow find time to complete notes. **Instead of a 40 hour work week, I am often working 60-70 hours per week without pay or comp time.***

While my paid supervisor is a nice person, finding anyone to supervise me was a tremendous challenge. There was another person willing to serve in a city about 1/2 an hour away but she wanted \$400 a month. ***I had zero clients at the time and with my PP supervisor, I would be splitting client fees 50/50, plus all the other costs that were not included because I am the only remote counselor*** (also their only intern/associate). There was no way I was going to be paying so much - even now, I am actually breaking even. This is not how I pay my bills, I have to have a flexible full-time job, it is just another burden to keep me out of the field I want to be in which serves Spanish-speaking clients in rural communities. Eventually, I would like to research this severely overlooked population. I have an earned masters (CACREP), and soon to have a PhD (also CACREP), in my 50s with loads of experience & local/state/national awards for some of my work and yet if I want to work in the counseling field, I would have to 1) move and 2) work for \$40K to \$50K - all because I am not allowed to open up my own private practice. I made this decision knowing full well the challenges but I am writing this out because this needs to be better understood, better known by those making decisions that impact well-prepared individuals with Masters degrees.

There seem to be many LPC-S that do not want to hire LPC-Associates as employees with W2s. The limits placed on LPC-Associates make it extremely difficult to actually have a living wage. Our counterparts- LMFT-As and LMSWs do not experience what we do. I have met dozens of LPC-Associates that completely regret choosing this field because we are at a complete disadvantage. It takes a lot to get to this point (provisional licensure), and then when we get here, we are met with many more obstacle courses within the field itself. I am severely discouraged and considering finding a job in some other field. This may really have been a waste of my husbands GI Bill and years of study. I pray that changes are made soon. I know that I am called to this field but wish I had gone the LCSW or LMFT route.

Most jobs have supervisors, but most do not require us to publicize in every signature line that we are supervised by. It makes it seem like we are less qualified than we are. Supervisors info can still be made available in our intake papers without having to sign off every business card, email, etc. with supervised by. ***Additionally, why can't we have our own business? If we were able to own a business, it would enrich our supervision experience that much more because supervisors can help with setting up a business and managing it. It can be a part of supervision for those interested in owning own practice.*** It would be educational, and practical.

My comments would be that *I am already doing “private practice” except someone takes a percent of my income and charges me for supervision time, the later of which I understand because I’m paying for their time.* I am a 1099 employee and I make my own schedule, do my own scheduling and setting up of clients in the system, manage my own phone calls/am only contact for client, (unless there is a complaint), pay for my own marketing/outreach/advertising/website/business cards, brochures, have my own phone line, my own hipaa complaint email, my own ceus, my own paper, supplies, copies, printer, internet, liability insurance, and office space, etc. . And still gets almost half of my income in their take. At least I get to set my own rate. But it can’t be much if I ever want to finish my hours and stop working for \$20/hour MINUS my expenses. I can only do this because I have a regular job that pays the bills. If not, *I would not recommend this profession to anyone who needs to be able to support themselves or their families unless youve got at least 2 years to work at almost poverty level.*

You should be done with mandatory supervision when you graduate from your masters program. If the board doesn't think that's enough then increase the amount of hours within the masters program. Counselors should be able to enter the workforce without restrictions after they graduate with incentives provided if they do seek out supervision.

I appreciate all the work being done by this board on behalf of LPC Associates. Thank you!

My LPC-S takes all the money from my clients through her practice and I pay her full price for her supervision.

Paying for supervision and then having to give a big % of what I make has made life very complicated. It’s very frustrating because my supervisors have always had the mindset of “you have to pay your dues”, it’s almost like they are bitter that they had to go through it so now it’s their turn to get paid. It’s a very toxic cycle in my opinion. It makes our career biased in that we have to have some privileges in order to even get to the other side, we are making it increasingly hard for diversity within our field.

It is the right thing for the board to do for LPC Associates that have worked hard in grad school and now trying to earn a living.

The limitations that LPC Associates have blatantly shows that mental health is not a priority in Texas...period. Not for associates and not for clients. Supervisors sit on the board and help keep these limitations in place because it lines their pockets. What type of cruelty is this?? Why is this allowed? And why is it okay? No more

I just find it difficult to justify the fees in my area. Many of the supervisors are 400.00 a month just for the fee-not including other costs. It's been discouraging to know I'm not receiving what I should from a supervisor but it's still the best option considering the other fees in my area. While I have had no current issues with my current LPC S, it is only because I turned down opportunities to work with others due to some of the items mentioned above. I was thankfully in a financial position where I could have the opportunity to be picky but it took me months to find one who had fair practices. Even in my current position I still have to pay for my own liability insurance, my note taking platform, HIPAA compliant e-mail, supervision, percentage of my client fee, and with zero benefits. For the record, my LPC S is also the owner of the practice I currently work at. I actually had to give up positions due to possible LPC S/practice owners: requiring that they had to be my supervisor if I worked for them (if I needed to change supervisors I wouldn't have been allowed to work there anymore), required strict non-compete clauses, would only give me a base pay of \$20/session with no benefits, would cap my clients, and/or refused to provide referrals. The entire process was extremely disheartening and I felt taken advantage of before I even got offered a position. I got extremely lucky with my current supervisor/boss but most aren't as fortunate. In a field where we are supposed to have empathy, compassion, and be helpful -- it feels as though making money off of LPC Associates is valued most.

Regulation of payment to supervisor should be adopted.

I work with a non-profit in a salary position and I am the only counselor. My agency provides an employed LPC-S to audit my case files, however my LPC-S is outside the agency and charges me a flat rate fee per hour of supervision at \$65 (though no extra charge for random phone calls seeking support for a case) and I provide my own liability insurance annually. I think my arrangement has been great and fair.

Not being able to accept insurance cuts us off at the knees. Why would potential clients pay \$50-60 out of pocket for an Associate when they can go to a fully licensed clinician and pay a cheaper co-pay?

There's just too many forces working against associates. It feels like a never-ending uphill battle with very little support and unfortunately very little compensation/payoff. Also, the board is so incredibly unresponsive. They lose paperwork constantly, request resubmission of documents frequently, and take far too long to address and/or rectify associate concerns. This is a constant topic of conversation across all associate groups and it needs to be addressed. Associates have enough on their plate. ***They shouldn't have to call their board multiple times after multiple ignored emails to get the support they need. More staff must be hired.***

LPC Supervisors need to be trained better on being ethical and should have a much better understanding of board rules

I was definitely taken advantage of by another counselor who “generously” got me some work through another private practice. My understanding was that the reason I had to pay her the lion share of what was taken in from clients was because she was going to work with me, help me, etc. Nope. She just took the money.

The treatment of LPC-associates, formerly interns is a disgrace. Honestly it makes me question even wanting to be a counselor and wonder if it's worth the abuse we take as new counselors. I feel very supported by my Supervisor and am also satisfied with my compensation. ***I have been shocked to find out that this is not the average experience, it is actually far from the reality of most of my colleagues who are struggling in a field where feeling settled in your own system is imperative to the work as a therapist. How can Associates be expected to provide quality care when they are struggling to meet their basic needs? Often requiring them to have two or more jobs. I would not have been able to enter this profession after graduate school had I not had a partner who was financially supporting me.***

My supervisor takes \$10 for credit card fees from clients

I just want to say that I do *not* believe the answer here is tighter regulation of Supervisors - I believe that will simply result in an even more unbalanced labor market for LPC Associates and so more disadvantage and exploitation will occur. The issue is not whether Associates are W-2 only or 1099 only - whether a practice is a pass-thru or not - whether a practice keeps a percentage of fees or not, etc etc. ***The answer here is less regulation. Allow LPC Associates to operate independently so that they are not a captive labor force for unscrupulous supervisors. The labor economy for LPC Associates is a false economy - purely created via regulatory restrictions, creating scarcity for LPC Associate work and pushing them to accept unfair work agreements.*** Allow them to work independently (i.e. own and operate their own practice) and Supervision will return to what it is supposed to be - a way to ensure that new Counselors receive proper guidance from experienced practitioners. Not a way to ensure that agencies have cheap labor and not a way to create a sort of pyramid scheme whereby older and more experienced counselors profit off of young counselors until they have paid their dues enough to start exploiting younger labor for profit themselves. (and by the way its not all just young labor - its older, middle aged, and even senior practitioners who have re-educated and are entering a second career, often with a family to support and other economic commitments. LPC Associates are not, essentially, young poor graduate students. Those are student interns - not licensed graduates.) And all of this is *not* to say that all or even a majority of Supervisors are unethical - but enough are that even the ethical supervisors have an unfair advantage in the labor market. This

does not even begin to discuss the many ways that Associates are disadvantaged by the code in a purely financial sense, even when working with the most ethical supervisors.

Thank you for creating this survey, hopefully it sheds some light to the exploitation going on. I can barely pay my bills.

BLAINE HUMMEL, J.D.,
M.Ed.

blaine@counselingmail.com

January 29, 2021

Via Email: rules@bhec.texas.gov

Texas Behavioral Health Executive Commission
333 Guadalupe St, Tower 3, Room 900
Austin, Texas 78701

Re: Public Comment on Petition for LPC Rule Changes

To Whom It May Concern:

Please allow this correspondence to serve as part of the written public comments to the petition for LPC rule changes filed by Dr. Summer Allen which will be under consideration at the February 12, 2021 meeting of the Texas State Board of Examiners of Professional Counselors.

By way of background, I graduated from the University of Texas School of Law in 1999 and have been a practicing litigation attorney in the State of Texas for over 21 years. A few years back, however, I decided to enroll at the University of Houston to obtain a master's degree in counseling and ultimately become a licensed professional counselor. In August 2019, I was licensed by the State of Texas as an LPC Associate. Since that time, I have been working in a private practice in The Woodlands, Texas.

I am writing this letter to provide support for the LPC Rule changes in Dr. Allen's petition, as I believe I am in a unique position as both an attorney and a mental health clinician. Over the course of the last year, I have consulted with numerous fully licensed counselors on ethical issues, including those which directly touch and concern employment of LPC Associates. Unfortunately, the current rules are not a model of clarity and there is a great deal of uncertainty surrounding their interpretation. More importantly, the rules unfairly create a system of servitude for LPC Associates without serving the purported interest in protecting the public.

As you are aware, the rules governing the licensing of LPC Associates preclude an associate from "owning an independent counseling practice" and "accepting direct payment for services from a client." Tex. Admin. Code, § 681.91(d), (l). Additionally, an "LPC Associate does not own client records; they are the property of the agency, organization, or LPC-S." Tex. Admin. Code, § 681.91(j). Although not expressly articulated in the enabling documents, the ostensible purpose of these rules is to protect the public by preventing confusion over the provisional licensing status of the Associate. However, there is a clear distinction between owning and

operating an independent private practice as an LPC Associate and “practicing independently” without supervision. I am advocating solely for the former, not the latter.

I fully understand the need for a regimented supervision practice to provide LPC Associates with needed training and support before becoming fully licensed. I also understand the need to inform the public of our provisional licensing status. But, the prohibition on owning our own practice and accepting payments has no bearing on disclosure to the public of our licensing status. LPC Associates are already obligated to disclose to the public in numerous documents that we are under supervision and not fully licensed. This includes any marketing to the public (websites, social media, online directories, etc.). This requirement would not change if LPC Associates are permitted to own their own practices. The public would still be informed of our provisional licenses.

As stated in Dr. Summer Allen’s supplemental comments, there is nothing under Texas law which prohibits a member of the general public from owning a business that hires LPCs or LPC Associates to practice counseling. Private corporations and mental health agenciesThe current rules perversely result in creating a prohibition of ownership of a private practice in Texas which applies exclusively LPC Associates. As a practical matter, the rules deprive LPC Associates of the ability to recover the full value of their services to the public, allowing other individuals to profit from their labor simply because an Associate cannot own a practice or accept payment.

The vast majority of LPC Associates in private practice in Texas expend \$300 or more a month for supervision. We are hired as 1099 independent contractors without health insurance or other employee benefits. We must market and advertise, obtain our own clients, and pay all of our own business costs (phone, email, electronic health records systems). In short, we already run our own businesses, we just do not own them. In return for our hard work and diligence in procuring clients, LPC Associates are paid by private practice owners anywhere in the range of 20-60% of the fees we generate from our labor. In most cases, the portion of the fees retained by private practice owners bear no relation to legitimate overhead costs, resulting in what is likely unethical fee splitting.

On a final note, I strongly believe the rules would not survive legal scrutiny under an equal protection analysis – not only are LPC Associates precluded from owning a business when others are not, other similarly situated clinicians (e.g. LMFT Associates) are permitted to practice independently. The prohibition on owning a business bears no rational relationship to licensing which TSBEPC regulated. Also, given that the TSBEPC is composed of members of the public, including self-interested Licensed Professional Counsel Supervisors, the rules likely run afoul of federal antitrust laws which prohibit unfair competition.

The time to change the antiquated rules of supervision is overdue. Master’s level clinicians should be able to operate a counseling practice without having to forfeit half of our wages to fully licensed clinicians or other practice owners or agencies. This is particularly true

BHEC

January 28, 2021

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given the fact that the concern for protecting the public is already met by the disclosure requirements in Tex. Admin. Code, § 681.91(n). I urge the Board to adopt Dr. Allen's proposed rule changes.

Sincerely,

Blaine Hummel

Texas State Board of Examiners of Professional Counselors

Tentative 2021-2022 Meeting Schedule

PLEASE NOTE:

Meeting dates, times, and details are subject to change. Except in the case of emergency or unforeseeable events, final meeting information is available seven days prior to the meeting(s) at:

<http://www.sos.state.tx.us/open/index.shtml>.

Hobby Building 333 Guadalupe St., Austin, TX 78701

Tentative Meeting Date	Committees/ Full Board	Tentative Meeting Location
February 12, 2021	Full Board	Hobby Building
May 7, 2021	Full Board	Hobby Building
September 10, 2021	Full Board	Hobby Building
November 12, 2021	Full Board	Hobby Building
February 11, 2022	Full Board	Hobby Building
May 6, 2022	Full Board	Hobby Building
September 9, 2022	Full Board	Hobby Building
November 4, 2022	Full Board	Hobby Building

~last modified date: September 16, 2020