

Texas State Board of Examiners of Marriage and Family Therapists

Board Meeting Agenda for
Friday, January 21, 2022, 9 a.m.

The January 21, 2022 meeting of the Texas State Board of Examiners of Marriage and Family Therapists will be held by videoconference call, as authorized under Texas Government Code section 551.127. One or more board members may appear at the scheduled meeting via videoconference call, but the presiding member will be physically present at 333 Guadalupe St., Ste. 3-900, Room 910, Austin, Texas 78701. This location will be open to the public, but seating is limited to first come, first served. Due to health and safety concerns, as well as the size of the available meeting room, public seating will be limited to four (4) individuals.

In lieu of attending in person, members of the public are encouraged to access and participate virtually in this meeting by entering the URL address <https://us02web.zoom.us/j/88140640574> into their web browser. Telephone access numbers and additional videoconference call access information can be found in the attached addendum. An electronic copy of the agenda and meeting materials will be made available at www.bhec.texas.gov prior to the meeting. A recording of the meeting will be made available on the Council's YouTube channel after the meeting is adjourned. To obtain a copy of the recording, please contact the Council's public information officer at Open.Records@bhec.texas.gov.

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

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

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

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

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

MFT BOARD MEETING AGENDA FOR FRIDAY, JANUARY 21, 2022, 9 A.M.

(Merchant, Bartee, Elder, Francis, Husband-Thompson, Parrish, Scoma, Smith, Stoglin)

1. Call meeting to order.
2. Approval of minutes of the October 22, 2021, videoconference Board meetings.

3. Board review and possible action regarding appeals of application for licensure denials.
4. Board review and possible action regarding agreed orders to be executed by the Board.
5. Board review and possible action regarding contested cases from the State Office of Administrative Hearings (SOAH).
6. Report of agreed orders executed by the Council's Executive Director.
7. Report of cases dismissed by the Council's Executive Director.
8. Status report of quarterly enforcement case activities.
9. Report of compliance with agreed orders.
10. Report from Committee Chairs per Title 22 of the Texas Administrative Code, §801.11(f):
 - A. Report from Ethics Committee Chair Rev. Dr. Scoma.
 - B. Report from Licensing Standards Committee Chair Dr. Merchant.
 - C. Report from Outreach Committee Chair Dr. Merchant.
 - D. Report from Professional Development Committee Chair Mrs. Husband-Thompson.
 - E. Report from Rules Committee Chair Mr. Francis.
11. Discussion and possible action regarding jurisprudence exam:
 - A. Discussion and possible action concerning the quarterly summary from the Texas State Board of Examiners of Marriage and Family Therapists' Jurisprudence Exam vendor.
 - B. Discussion and possible action related to changes in the Board's Jurisprudence Exam.
12. Discussion and possible action to re-elect or replace Vice-Chair of the Texas State Board of Examiners of Marriage and Family Therapists – Rev. Dr. Anthony Scoma – pursuant to 22 Texas Administrative Code (TAC) §801.11, The Board.
13. Discussion and possible action to re-elect or replace professional member delegate to the Texas Behavioral Health Executive Council per Texas Occupations Code §507.051, Jeanene Smith, MA, LPC-S, LMFT-S, whose term as delegate expires February 1, 2022 per 22 TAC §881.4, Council Member Terms.
14. Discussion and possible action concerning public comment on proposed rules published in [October 1, 2021 Texas Register](#) regarding Title 22 of the Texas Administrative Code (22 TAC)
 - A. [§801.2 Definitions](#) to align the definition for LMFT and LMFT Associate with the statutory definition in §502.002 of the Occupations Code, as well as the Council's rule 22 TAC §881.2(b).
 - B. [§801.74 Application to Take Licensure Examination](#) to streamline the application process for the approval and registration for licensure examinations.
15. Discussion and possible action regarding potential rule changes recommended by MFT Board's Rules Committee to Title 22 of the Texas Administrative Code, §801.44 Relationships with Clients, which clarifies that the same competency standard applies to emerging areas of practice, for which generally recognized standards for preparatory training do not exist yet.
16. Discussion and possible action concerning potential changes in Title 22 of the Texas Administrative Code put forth by the Council's Standardization Work Group
 - A. New §801.261 *Requirements for Continuing Education*
 - B. Changes to §§801.58, 801.143, and 801.305, related to *Technology-Assisted Services*, *Supervisor Requirements*, and *Schedule of Sanctions*.
 - C. Repeal of §§801.263, 801.264, and 801.266 regarding *Requirements for Continuing Education*, *Types of Acceptable Continuing Education*, and *Determination of Clock Hour Credits and Credit Hours Granted*.
17. Report from the Board Chair concerning current challenges and accomplishments; lawsuits; interaction with stakeholders, state officials, and staff; committee appointments and functions;

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

18. Report from the Board's Delegates to the Texas Behavioral Health Executive Council regarding the activities of the Executive Council, including
 - A. The Council's rulemaking actions taken at its October 26, 2021 meeting.
 - B. Other Council rulemaking actions in process.
 - C. Update on Budget and agency-related travel.
19. Report from the Board Administrator concerning operations, organization, and staffing; workload processing and statistical information; status of rulemaking; customer service accomplishments, inquiries, and challenges; media, legislative, and stakeholder contacts and concerns; special projects; and general information regarding the routine functioning of the program.
20. Discussion and possible action regarding future priorities and activities of the Board.
21. Public Comment.
22. Announcements and comments not requiring Board action, such as statements regarding conferences and other recent or upcoming events.
23. Adjournment.

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

CONTACT: Sarah Faszholz, Board Administrator
Texas State Board of Examiners of Marriage and Family Therapists
general@bhec.texas.gov

Addendum: Additional Videoconference and Telephone Conference Call Information

When: Jan 21, 2022 09:00 AM Central Time (US and Canada)

Topic: Texas State Board of Examiners of Marriage and Family Therapists' January 21, 2022 meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/88140640574>

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T.B.H.E.C.

2021 NOV -8 PM 4: 56

COMPLAINT NOS. 1062-19-0009

IN THE MATTER OF

§ BEFORE THE TEXAS BEHAVIORAL
§ HEALTH EXECUTIVE COUNCIL

JESUS JUAREZ

§ THE TEXAS STATE BOARD
§ OF EXAMINERS OF
§ MARRIAGE AND FAMILY
§ THERAPISTS

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 Jesus Juarez (“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 marriage and family therapist (#4603) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent failed to comply with an Agreed Order issued on July 15, 2017 relating to Case No. 1062-15-0040.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 502 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 35 and 41.
2. Violation of the Council’s Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§502.351, 507.301, and 507.351 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated former Rule 801.29(1)(k) and Council Rule 884.55.

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 (#4603) 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. If Respondent seeks to apply for a license with the Council in the future, and the Council is willing to reinstate the license, Respondent will be subject to conditions of eligibility to be imposed by the Council at that time.

WARNING

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

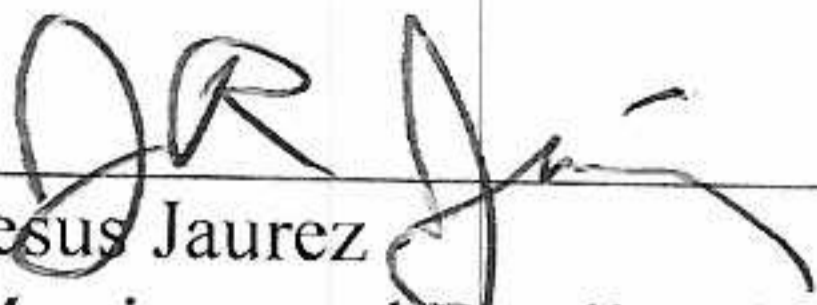
WAIVERS

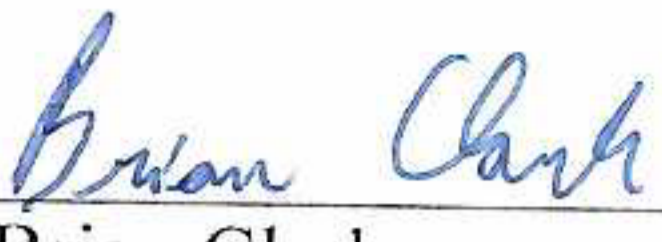
On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange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

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

FOR THE RESPONDENT:

FOR THE STAFF OF THE COUNCIL:



Jesus Jaurez
Marriage and Family Therapist
License # 4603



Brian Clark
Texas Bar No. 24099457
Staff Attorney
Texas Behavioral Health Executive Council
333 Guadalupe, Ste. 3-900
Austin, Texas 78701

DATE SIGNED: 11-4-2021

DATE SIGNED: 11/9/21

APPROVED, RATIFIED, AND ENTERED THIS 9th DAY OF November, 2021.


Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

- Thank You MR. CLARK. FOR EVERYTHING.
- IT HAS BEEN A PLEASURE BEING AN LMFT
& HELPING SO MANY CLIENTS & THEIR FAMILY.
- SORRY THAT I COULD NOT DO THE E-MAIL THING.
THAT IS WHAT GOT ME INTO PROBLEM BECAUSE I
COULD NOT DO THAT TRAINING & TEST.
- GOD BLESS YOU & YOUR FAMILY. 

Rule: 801.2. Definitions

Action: Proposed Amendment

Comment: The proposed amendment aligns the definition for LMFT and LMFT Associate with the statutory definition in §502.002 of the Occupations Code, as well as the Executive Council's rule 22 Texas Administrative Code §881.2(b).

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

- (1) Accredited institutions or programs--An institution of higher education accredited by a regionally 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--Texas Occupations Code, Chapter 502, the Licensed Marriage and Family Therapist Act.
- (3) Board--The Texas State Board of Examiners of Marriage and Family Therapists.
- (4) Client--An individual, family, couple, group, or organization who receives or has received services from a person identified as a marriage and family therapist who is either licensed by the council or unlicensed.
- (5) Council--The Texas Behavioral Health Executive Council.
- (6) Council Act--Texas Occupations Code, Chapter 507, concerning the Texas Behavioral Health Executive Council.
- (7) Council rules--22 Texas Administrative Code, Chapters 801 and 881 to 885.
- (8) Endorsement--The process whereby the council reviews licensing requirements that a license applicant completed while under the jurisdiction of an out-of-state marriage and family therapy regulatory board. The council may accept, deny or grant partial credit for requirements completed in a different jurisdiction.
- (9) Executive director--the executive director for the Texas Behavioral Health Executive Council.

- (10) Family system--An open, on-going, goal-seeking, self-regulating, social system which shares features of all such systems. Certain features such as its unique structuring of gender, race, nationality and generation set it apart from other social systems. Each individual family system is shaped by its own particular structural features (size, complexity, composition, and life stage), the psychobiological characteristics of its individual members (age, race, nationality, gender, fertility, health and temperament) and its socio-cultural and historic position in its larger environment.
- (11) Group supervision--Supervision that involves a minimum of three and no more than six marriage and family therapy supervisees or LMFT Associates in a clinical setting during the supervision hour.
- (12) Individual supervision--Supervision of no more than two marriage and family therapy supervisees or LMFT Associates in a clinical setting during the supervision hour.
- (13) Jurisprudence exam--An online learning experience based on the Act, the Council Act, and council rules, and other state laws and rules relating to the practice of marriage and family therapy.
- (14) License--A marriage and family therapist license, a marriage and family therapist associate license, a provisional marriage and family therapist license, or a provisional marriage and family therapist associate license.
- (15) Licensed marriage and family therapist (LMFT)--As defined in §502.002 of the Occupations Code, a person who offers marriage and family therapy for compensation ~~A qualified individual licensed by the council to provide marriage and family therapy for compensation.~~
- (16) Licensed marriage and family therapist associate (LMFT Associate)--As defined in §502.002 of the Occupations Code, an individual who offers to provide marriage and family therapy for compensation under the supervision of a supervisor approved by the executive council ~~A qualified individual licensed by the council to provide marriage and family therapy for compensation under the supervision of a council-approved supervisor.~~ The appropriate council-approved terms to refer to an LMFT Associate are: "Licensed Marriage and Family Therapist Associate" or "LMFT Associate." Other terminology or abbreviations like "LMFT A" are not council-approved and may not be used.
- (17) Licensee--Any person licensed by the council.

- (18) Licensure examination--The national licensure examination administered by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) or the State of California marriage and family therapy licensure examination.
- (19) Marriage and family therapy--The rendering of professional therapeutic services to clients, singly or in groups, and involves the professional application of family systems theories and techniques in the delivery of therapeutic services to those persons. The term includes the evaluation and remediation of cognitive, affective, behavioral, or relational dysfunction or processes.
- (20) Month--A calendar month.
- (21) Person--An individual, corporation, partnership, or other legal entity.
- (22) Recognized religious practitioner--A rabbi, clergyman, or person of similar status who is a member in good standing of and accountable to a legally recognized denomination or legally recognizable religious denomination or legally recognizable religious organization and other individuals participating with them in pastoral counseling if:
 - (A) the therapy activities are within the scope of the performance of regular or specialized ministerial duties and are performed under the auspices of sponsorship of an established and legally recognized church, denomination or sect, or an integrated auxiliary of a church as defined in 26 CFR §1.6033-2(h) (relating to Returns by exempt organizations (taxable years beginning after December 31, 1969) and returns by certain nonexempt organizations (taxable years beginning after December 31, 1980));
 - (B) the individual providing the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary; and
 - (C) the person does not use the title of or hold himself or herself out as a licensed marriage and family therapist.
- (23) Supervision--
 - (A) Supervision for licensure--The guidance or management in the provision of clinical services by a marriage and family

therapy supervisee or LMFT Associate, which must be conducted for at least one supervision hour each week, except for good cause shown.

- (B) Supervision, Council-ordered--For the oversight and rehabilitation in the provision of clinical services by a licensee under a Council Order, defined by the Order and the Council-Ordered Supervision Plan, and must be conducted as specified in the Council Order and Supervision Plan (generally in face-to-face, one-on-one sessions).
- (24) Supervision hour--50 minutes.
- (25) Supervisor--An LMFT with supervisor status meeting the requirements set out in §801.143 of this title (relating to Supervisor Requirements). The appropriate council-approved terminology to use in reference to a Supervisor is: "Supervisor," "Licensed Marriage and Family Therapist Supervisor," "LMFT-S" or "LMFT Supervisor." Other terminology or abbreviations may not be used.
- (26) Technology-assisted services--Providing therapy or supervision with technologies and devices for electronic communication and information exchange between a licensee in one location and a client or supervisee in another location.
- (27) Therapist--A person who holds a license issued by the council.
- (28) Waiver--The suspension of educational, professional, or examination requirements for an applicant who meets licensing requirements under special conditions

Rule: 801.74. Application to Take Licensure Examination

Action: Proposed Amendment

Comment: The proposed amendment is intended to streamline the application process for the approval and registration for licensure examinations resulting in anticipated greater agency efficiencies.

801.74. Application to Take Licensure Examination. An applicant must submit a complete application to sit for examination as prescribed by the Council.:

- ~~(1) all requirements in council rules, 22 Texas Administrative Code, §§882.1 and 882.2 (concerning Application Process and General Application File Requirements);~~
- ~~(2) in lieu of an official transcript as required in council rules, a letter from a college or university official stating the applicant is in good academic standing and has completed or is enrolled in a graduate internship in marriage and family therapy or an equivalent internship may be submitted to approve the applicant to sit for licensure examination, but the applicant must still submit an official transcript before the license may be issued;~~
- ~~(3) a copy of government issued picture identification (i.e., driver's license, passport); and~~
- ~~(4) an Examination Security Information Acknowledgement Form.~~

Rule: 801.44. Relationships with Clients.

Action: Proposed Amendment

Comment: Currently this rule requires licensees to be competent in a particular professional service before the licensee provides such a service to a client or offers the service to the general public. The proposed amendment clarifies that the same standard applies in emerging areas of practice, where generally recognized standards for preparatory training do not exist yet. In such emerging areas licensees are also required to ensure the competence of their work and protect the recipients of those services from harm or the potential of harm.

801.44. Relationships with Clients.

- (a) A licensee must provide marriage and family therapy professional services only in the context of a professional relationship.
- (b) A licensee must make known in writing to a prospective client the important aspects of the professional relationship, including the licensee's status as an LMFT or LMFT Associate, any probationary status or other restrictions placed on the licensee by the council, office procedures, after-hours coverage, fees, and arrangements for payment (which might affect the client's decision to enter into the relationship).
- (c) A licensee must obtain an appropriate consent for treatment before providing professional services. A licensee must make reasonable efforts to determine whether the conservatorship, guardianship, or parental rights of the client have been modified by a court. Before the commencement of therapy services to a minor client who is named in a custody agreement or court order, a licensee must obtain and review a current copy of the custody agreement or court order in a suit affecting the parent-child relationship. A licensee must maintain these documents in the client's record. When federal or state statutes provide an exemption to secure consent of a parent or guardian before providing services to a minor, such as in Texas Family Code, Chapter 32 (relating to Consent to Treatment of Child by Non-Parent or Child), a licensee must follow the protocol set forth in such federal or state statutes.
- (d) A licensee must make known in writing to a prospective client the confidential nature of the client's disclosures and the clinical record, including the legal limitations of the confidentiality of the mental health record and information.
- (e) No commission or rebate or any other form of remuneration may be given or received by a licensee for the referral of clients for professional

services. A licensee employed or under contract with a chemical dependency facility or a mental health facility must comply with the requirements in Texas Health and Safety Code, §164.006 (relating to Soliciting and Contracting with Certain Referral Sources). Compliance with Texas Health and Safety Code, Chapter 164 (relating to Treatment Facilities Marketing and Admission Practices) is not considered a violation of state law regarding illegal remuneration.

- (f) A licensee may not exploit the licensee's position of trust with a client or former client.
- (g) A licensee may not engage in activities that seek to meet the licensee's personal needs instead of the needs of the client.
- (h) A licensee may not provide marriage and family therapy services to family members, personal friends, educational associates, business associates, or others whose welfare might be jeopardized by such a dual relationship.
- (i) A licensee must set and maintain professional boundaries with clients and former clients.
- (j) A licensee may disclose confidential information to medical or law enforcement personnel if the licensee determines there is a probability of imminent physical injury by the client to the client or others or there is a probability of immediate mental or emotional injury to the client.
- (k) In group therapy settings, the licensee must take reasonable precautions to protect individuals from physical or emotional trauma resulting from interaction within the group.
- (l) A licensee must make a reasonable effort to avoid non-therapeutic relationships with clients or former clients. A non-therapeutic relationship is an activity begun by either the licensee, the client, or former client for the purposes of establishing a social, business, or other relationship not related to therapy. A licensee must ensure the welfare of the client or former client if a non-therapeutic relationship arises.
- (m) A licensee may not bill clients or third parties for services not actually rendered or as agreed to in writing.
- (n) A licensee must end a professional relationship when it is reasonably clear the client is not benefiting from it. Upon ending a professional relationship, if the client still requires mental health services, the licensee must make reasonable efforts to provide a written referral to clients for appropriate services and to facilitate the transfer to appropriate care.

- (o) A licensee who engages in technology-assisted services must provide the client with the licensee's license number and information on how to contact the council by telephone, electronic communication, or mail. The licensee must comply with all other provisions of this chapter.
- (p) A licensee may not offer services that are beyond the licensee's professional competency, and the services provided must be within accepted professional standards of practice and appropriate to the needs of the client. In emerging areas in which generally recognized standards for preparatory training do not exist, licensees take reasonable steps to ensure the competence of their work and to protect clients, research participants, and other affected individuals from the potential for harm.
- (q) A licensee must base all services on an assessment, evaluation, or diagnosis of the client.
- (r) A licensee must evaluate a client's progress on a continuing basis to guide service delivery and must make use of supervision and consultation as indicated by the client's needs.
- (s) A licensee may not knowingly offer or provide professional services to an individual concurrently receiving professional services from another mental health services provider except with that provider's knowledge. If a licensee learns of such concurrent professional services, the licensee must take immediate and reasonable action to inform the other mental health services provider.
- (t) A licensee may not aid or abet the unlicensed practice of marriage and family therapy services by a person required to be licensed under the Act. A licensee must report to the council knowledge of any unlicensed practice.
- (u) A licensee may not enter into a non-professional relationship with a client's family member or any person having a personal or professional relationship with a client, if the licensee knows or reasonably should have known such a relationship could be detrimental to the client.
- (v) A licensee must refrain from providing services when they know or should know that their physical or mental health or lack of objectivity are likely to impair their competency or harm a client or other person with whom they have a professional relationship

Rule: 801.261. Requirements for Continuing Education

Action: Proposed New Rule

Comment:

801.261. Requirements for Continuing Education.

(a) Minimum Continuing Education Hours Required

- (1) A LMFT must complete 30 hours of continuing education during each renewal period that they hold a license. The 30 hours of continuing education must include 6 hours in ethics and 3 hours in cultural diversity or competency.
- (2) A LMFT Associate must complete 15 hours of continuing education during each renewal period that they hold a license. The 15 hours of continuing education must include 6 hours in ethics and 3 hours in cultural diversity or competency.
- (3) A licensee may carry forward to the next renewal period, a maximum of 10 hours accrued during the current renewal period if those hours are not needed for renewal.

(b) Special Continuing Education Requirements. The special continuing education requirements set out in this subsection may be counted toward the minimum continuing education hours required under subsection (a).

- (1) A licensee with supervisory status must complete 6 hours of continuing education in supervision.
- (2) A licensee who provides telehealth services must complete 2 hours of continuing education in technology-assisted services.

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

- (1) state or federal laws, including agency rules, relevant to the practice of marriage and family therapy;
- (2) practice guidelines established by local, regional, state, national, or international professional organizations;
- (3) training or education designed to demonstrate or affirm the ideals and responsibilities of the profession; and

Commented [DS1]: The hours for ethics and cultural competency were recommended by a plurality of committee members, not a majority (i.e., some committee members did not offer an opinion on this issue). I wanted to point this fact out to distinguish this particular recommendation from the remainder of the rule which does reflect a recommendation by the majority of the committee.

To be fair, no committee members expressed concern or disagreement over these recommendations.

Commented [DS2]: This is an increase from the current requirements for 3 hours.

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

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

- (e) Acceptable Continuing Education Activities.
 - (1) All continuing education hours must have been received during the renewal period and be directly related to the practice of marriage and family therapy;

 - (2) The Council shall make the determination as to whether the activity claimed by the licensee is directly related to the practice of marriage and family therapy;

 - (3) Except for hours claimed under subsection (h), all continuing education hours obtained must be designated by the provider in a letter, email, certificate, or transcript that displays the licensee's name, topic covered, date(s) of training, and hours of credit earned.

 - (4) Multiple instances or occurrences of a continuing education activity may not be claimed for the same renewal period.

- (f) Licensees must obtain at least fifty percent of their continuing education hours from one or more of the following providers:
 - (1) an international, national, regional, state, or local association of medical, mental, or behavioral health professionals;

 - (2) public school districts, charter schools, or education service centers;

 - (3) city, county, state, or federal governmental entities;

 - (4) an institution of higher education accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation, the Texas Higher Education Coordinating Board, or the United States Department of Education;

- (5) religious or charitable organizations devoted to improving the mental or behavioral health of individuals; or
- (6) any provider approved or endorsed by a provider listed herein.
- (g) Licenses shall receive credit for continuing education activities according to the number of hours designated by the provider, or if no such designation, on a one-for-one basis with one credit hour for each hour spent in the continuing education activity.
- (h) Licenses may claim continuing education credit for each of the following activities:
 - (1) Passage of the jurisprudence examination. Licensees who pass the jurisprudence examination may claim 1 hour of continuing education in ethics.
 - (2) Preparing and giving a presentation at a continuing education activity. The maximum number of hours that may be claimed for this activity is 5 hours.
 - (3) Authoring a book or peer reviewed article. The maximum number of hours that may be claimed for this activity is 5 hours.
 - (4) Teaching or attending a graduate level course. The maximum number of hours that may be claimed for this activity is 5 hours.
 - (5) Self-study. The maximum number of hours that may be claimed for this activity is 1 hour.
 - (6) Successful completion of a training course on human trafficking prevention described by §116.002 of the Occupations Code. Licensees who complete this training may claim 1 hour of continuing education credit.
- (i) The Council does not pre-evaluate or pre-approve continuing education providers or hours.
- (j) Licenses shall maintain proof of continuing education compliance for a minimum of 3 years after the applicable renewal period.

Commented [DS3]: The Juris would become optional for a supervisor, rather than mandatory.

If the Bd. wants to keep it mandatory, we can move this paragraph under (b) above.

Commented [DS4]: Self-study CE hours were recommended by a plurality of committee members, not a majority, i.e., two (out of 8) committee members opposed this recommendation and another two never offered an opinion.

I wanted to point this out in the event the Board believes it is relevant during its discussion.

Rule: 801.58. Technology-Assisted Services.

Action: Proposed Amendment

Comment: This amendment removes the requirement of two hours of continuing education every renewal period for technology assisted services from this rule, because this same requirement has been added to new rule 801.261, pertaining to continuing education, where it is more appropriate.

801.58. Technology-Assisted Services.

- (a) Licensees who provide marriage and family therapy to clients or supervision to supervisees outside the State of Texas must comply with the laws and rules of Texas and of the out-of-state authority which govern the practice of marriage and family therapy.
- (b) Licensees who provide treatment, consultation, and supervision using technology-assisted services must meet the same standards of appropriate practice as licensees who practice in traditional (i.e., in-person) settings.
- (c) In accordance with Texas Occupations Code, §502.251 (relating to License Required), a person may not practice as a marriage and family therapist unless the person holds a license under this chapter or is exempt under Texas Occupations Code, §502.004 (relating to Application of Chapter)
- (d) A licensee may provide technology-assisted services. To ensure the competent delivery of services by technology-assisted means, a licensee must maintain an appropriate level of education, training, or experience in using relevant technology. ~~A licensee who provides technology assisted services must complete a minimum of two hours of continuing education in technology-assisted services every renewal period.~~
- (e) A licensee may not render therapy using technology-assisted services without complying with the following at the onset of each session:
 - (1) fully verifying the location and identity of the client, to the most reasonable extent possible; and
 - (2) disclosing the identity of the licensee.
- (f) Before providing technology-assisted services, a licensee must determine whether a client is a minor. Upon determining that a client is a minor, and before providing technology-assisted services, a licensee must obtain required consent from a parent or guardian and must verify the identity of the parent, guardian, or other person consenting to the minor's treatment.

- (g) The licensee must determine if technology-assisted service is an appropriate delivery of treatment or supervision, considering the professional, intellectual, or emotional needs of the client or supervisee.
- (h) Informed consent must include, at a minimum, information that defines electronic service delivery as practiced by the licensee and the potential risks and ethical considerations. The licensee must obtain and maintain written or electronic evidence documenting appropriate client informed consent for the use of technology-assisted services. The licensee must ensure that the informed consent complies with other informed consent requirements in this chapter and must include the following:
 - (1) identification of the client, the therapist, and the therapist's credentials;
 - (2) list of services provided by the licensee using technology-assisted services;
 - (3) client agreement that the therapist determines on an on-going basis whether the condition being assessed or treated is appropriate for technology-assisted services;
 - (4) details on security measures taken with the use of technology-assisted services, as well as potential risks to privacy notwithstanding such measures;
 - (5) information regarding secure protocols and back-up plans in case of technical failure;
 - (6) the licensee's credentials or training to engage in technology-assisted services, and contact information;
 - (7) risks and benefits of engaging in the use of technology;
 - (8) emergency procedures to follow when the therapist is not available;
 - (9) information collected and any passive tracking mechanisms used;
 - (10) third-party websites or services used by the licensee to facilitate technology-assisted services; and
 - (11) an explanation of how records are maintained electronically, including encryption type and record security, and the archival storage period for transaction records.

- (i) Therapists who use technology-assisted services must meet or exceed applicable federal and state legal requirements of health information privacy, including compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191; The Health Information Technology for Economic and Clinical Health (HITECH) Act, 42 U.S.C. Chapter 156, Subchapter III; Texas Health and Safety Code, Chapter 181 (relating to Medical Records Privacy); and state privacy, confidentiality, and security rules

Rule: 801.143. Supervisor Requirements

Action: Proposed Amendment

Comment:

801.143. Supervisor Requirements

- (a) To apply for supervisor status, an LMFT in good standing must submit an application and applicable fee as well as documentation of the following:
 - (1) completion of at least 3,000 hours of LMFT practice over a minimum of 3 years; and
 - (A) successful completion of a 3-semester-hour, graduate course in marriage and family therapy supervision from an accredited institution; or
 - (B) a 40-hour continuing education course in clinical supervision; or
 - (2) designation as an approved supervisor or supervisor candidate by the American Association for Marriage and Family Therapy (AAMFT).
- (b) A supervisor may not be employed by the person he or she is supervising.
- (c) A supervisor may not be related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood or adoption) to the person whom he or she is supervising.
- (d) Within 60 days of the initiation of supervision, a supervisor must process and maintain a complete supervision file on the LMFT Associate. The supervision file must include:
 - (1) a photocopy of the submitted Supervisory Agreement Form;
 - (2) proof of council approval of the Supervisory Agreement Form;
 - (3) a record of all locations at which the LMFT Associate will practice;
 - (4) a dated and signed record of each supervision conference with the LMFT Associate's total number of hours of supervised experience, direct client contact hours, and direct client contact hours with

- couples or families accumulated up to the date of the conference;
and
- (5) a copy of any written plan for remediation of the LMFT Associate.
- (e) Within 30 days of the termination of supervision, a supervisor must submit written notification to the council.
- (f) Both the LMFT Associate and the council-approved supervisor are fully responsible for the marriage and family therapy activities of the LMFT Associate.
- (1) The supervisor must ensure the LMFT Associate knows and adheres to all statutes and rules that govern the practice of marriage and family therapy.
- (2) A supervisor must maintain objective, professional judgment; a dual relationship between the supervisor and the LMFT Associate is prohibited.
- (3) A supervisor may not supervise more than 12 persons at one time.
- (4) If a supervisor determines the LMFT Associate may not have the therapeutic skills or competence to practice marriage and family therapy under an LMFT license, the supervisor must develop and implement a written plan for remediation of the LMFT Associate.
- (5) A supervisor must timely submit accurate documentation of supervised experience.
- (g) Supervisor status expires with the LMFT license.
- ~~(h) To maintain council approval, a supervisor must successfully complete the following continuing education each renewal period:~~
- ~~(1) at least three hours of clinical supervision continuing education;~~
and
- ~~(2) the jurisprudence exam.~~
- ~~(h)(i)~~ A supervisor who fails to meet all requirements for licensure renewal may not advertise or represent himself or herself as a supervisor in any manner.
- ~~(i)(j)~~ A supervisor whose license status is other than "current, active" is no longer an approved supervisor. Supervised clinical experience hours accumulated under that person's supervision after the date his or her

license status changed from "current, active" or after removal of the supervisor designation will not count as acceptable hours unless approved by the council.

~~(j)(k)~~ A supervisor who becomes subject to a council disciplinary order is no longer an approved supervisor. The person must:

- (1) inform each LMFT Associate of the council disciplinary order;
- (2) refund all supervisory fees received after date the council disciplinary order was ratified to the LMFT Associate who paid the fees; and
- (3) assist each LMFT Associate in finding alternate supervision.

~~(k)(l)~~ Supervision of an LMFT Associate without being currently approved as a supervisor is grounds for disciplinary action.

~~(l)(m)~~ The LMFT Associate may compensate the supervisor for time spent in supervision if the supervision is not part of the supervisor's responsibilities as a paid employee of an agency, institution, clinic, or other business entity.

Rule: 801.305. Schedule of Sanctions.

Action: Proposed Amendments

Comment: Amendments to rule 801.143 have been proposed, so corresponding amendments have been made to this rule.

801.305. Schedule of Sanctions. The following standard sanctions shall apply to violations of Texas Occupations Code, Chapter 502 and 22 Texas Administrative Code, Part 35.

Figure 22 TAC §801.305

Rule	Action
801.43(b) Report alleged violations or misrepresentation	Level 5 Reprimand
801.43(c) Identify license, status, or other restriction	Level 5 Reprimand
801.43(d) Make false statement	Level 5 Reprimand
801.43(g) Make reasonable effort to prevent other's false statement	Level 5 Reprimand
801.44(a) Provide services only in the context of a professional relationship	Level 5 Reprimand
801.44(b) Fail to provide written information	Level 5 Reprimand
801.44(c) Fail to obtain appropriate consent or custody order	Level 5 Reprimand
801.44(d) Fail to provide written information regarding confidentiality	Level 5 Reprimand
801.44(e) Refer for pay	Level 3 Suspension
801.44(f) Exploit trust	Level 4 Probated Suspension
801.44(g) Act to meet personal needs	Level 4 Probated Suspension
801.44(h) Provide services to family, friends, educational or business associates, or others	Level 5 Reprimand
801.44(i) Maintain professional boundaries with clients and former clients	Level 5 Reprimand
801.44(k) Protect individual from harm resulting from group interaction	Level 5 Reprimand
801.44(l) Avoid non-therapeutic relationship with clients and former clients	Level 5 Reprimand
801.44(m) Bill only for services actually rendered or as agreed in writing	Level 5 Reprimand
801.44(n) End professional relationship when client is not benefitting	Level 4 Probated Suspension
801.44(n) Provide written referral and facilitate transfer to appropriate care	Level 5 Reprimand

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801.44(o) Technology-assisted services, provide license number and council's contact information	Level 5 Reprimand
801.44(p) Provided services within competency and professional standards	Level 4 Probated Suspension
801.44(q) Base services on client assessment, evaluation, or diagnosis	Level 4 Probated Suspension
801.44(s) Promote or encourage illegal use of alcohol or drugs	Level 1 Revocation
801.44(t) Provide services to client served by another	Level 5 Reprimand
801.44(u) Aid or abet or fail to report unlicensed practice	Level 2/3 Suspension
801.44(v) Enter a non-professional relationship with a client's family member or any person who has a personal or professional relationship with a client	Level 5 Reprimand
801.44(w) Provide services while impaired	Level 2/3 Suspension
801.45(b) Sexual contact with a protected person	Level 1 Revocation
801.45(c) Provide services to a former sexual partner	Level 1 Revocation
801.45(d) Therapeutic deception or sexual exploitation	Level 1 Revocation
801.46(a) Inform clients about testing as part of treatment	Level 5 Reprimand
801.46(c) Administer and interpret test with appropriate training, experience	Level 4 Probated Suspension
801.47 Use alcohol or drugs, adversely affecting provision of services	Level 2/3 Suspension
801.48(b) Disclose communication, record, or identity of a client	Level 4 Probated Suspension
801.48(c) Comply with statutes or rules, concerning confidential information	Level 4 Probated Suspension
801.48(d) Report or release information as required by statute	Level 4 Probated Suspension
801.48(d)(4) Report sexual misconduct per TCPRC 81.006	Level 5 Reprimand
801.48(e) Keep accurate records	Level 5 Reprimand
801.48(g) Maintain confidentiality in how client records are stored or disposed	Level 4 Probated Suspension
801.48(h) Plan for custody of records	Level 5 Reprimand
801.50 Appropriate use of assumed name	Level 5 Reprimand
801.53(a) Advertise with false information	Level 5 Reprimand
801.53(d) Advertisement must state license title	Level 5 Reprimand
801.53(e) Ad with confusing membership or certification outside field of therapy	Level 5 Reprimand
801.53(f) Advertisement must state provisional license	Level 5 Reprimand

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801.53(g) Reasonable steps to correct or minimize misuse of license certificate or misrepresentation of licensee's services	Level 5 Reprimand
801.55(e) Dual relationship: Provide MFT and parenting coordination services	Level 4 Probated Suspension
801.56(d) Dual relationship: Provide MFT and parenting facilitation services	Level 4 Probated Suspension
801.57(d) Dual relationship: Provide any service and custody evaluation	Level 4 Probated Suspension
801.57(e) Offer expert opinion related to child custody	Level 2/3 Suspension
801.57(f) Failure to inform client and proper informed consent	Level 5 Reprimand
801.57(g) Associate must not conduct child custody or adoption evaluations	Level 4 Probated Suspension
801.58(d) Required training for technology-assisted services	Level 5 Reprimand
801.58(h) Failure to inform client and proper informed consent	Level 5 Reprimand
801.58(i) Meet legal requirements of health information privacy and security	Level 4 Probated Suspension
801.143(b) Supervisor may not be employed by supervisee	Level 5 Reprimand
801.143(c) Supervisor may not be related to supervisee	Level 5 Reprimand
801.143(d) Supervisor must timely process and maintain Associate's file	Level 5 Reprimand
801.143(e) Supervisor must submit timely written notice when supervision ends	Level 5 Reprimand
801.143(f)(1) Supervisor must ensure Associate adheres to all laws and rules	Level 5 Reprimand
801.143(f)(2) Supervisor/Associate dual relationship	Level 5 Reprimand
801.143(f)(4) Supervisor must implement Associate's written remediation plan	Level 5 Reprimand
801.143(f)(5) Supervisor must timely submit accurate experience documents	Level 5 Reprimand
801.143(h)(i) Supervisor fails to renew and continues to represent as a supervisor	Level 5 Reprimand
801.143(i)(j) Supervisor with status other than "current, active" or after supervisor status is removed and continues to supervise	Level 4 Probated Suspension
801.143(j)(k) Disciplined supervisor must inform all Associates of council action, refund fees, and assist Associates to find alternate supervision	Level 5 Reprimand
801.143(k)(l) Supervise without being currently approved supervisor	Level 4 Probated Suspension

Rule: 801.263. Requirements for Continuing Education

Action: Proposed Repeal

Comment:

~~§801.263. Requirements for Continuing Education.~~

- ~~(a) An LMFT must complete 30 clock hours of continuing education which is acceptable to the council each renewal period. Of the 30 clock hours required for LMFT license renewal, no more than 15 clock hours may be delivered through a learning format that does not accommodate real time interaction, such as self study correspondence course or pre-recorded webinar.~~
- ~~(b) An LMFT Associate must complete 15 clock hours of continuing education which is acceptable to the council each renewal period. Of the 15 clock hours required for LMFT Associate license renewal, no more than six clock hours may be delivered through a learning format that does not accommodate real time interaction, such as self study correspondence course or pre-recorded webinar.~~
- ~~(c) All licensees are required to complete six hours of ethics each renewal period.~~

Rule: 801.264. Types of Acceptable Continuing Education

Action: Proposed Repeal

Comment:

~~801.264. Types of Acceptable Continuing Education. To be acceptable for the purposes of license renewal or satisfaction of disciplinary stipulations, the education must be received from a continuing education provider that:~~

- ~~(1) ensures the education provided is related to the practice of marriage and family therapy;~~
- ~~(2) ensures the individual(s) presenting the information have the necessary experience and knowledge in the topic(s) presented;~~
- ~~(3) verifies attendance of participants and provides participants with a letter or certificate of attendance displaying the licensee's name, topic covered, date course was taken, and hours of credit earned;~~
- ~~(4) maintains all continuing education records and documentation for at least three years; and~~
- ~~(5) provides participants a mechanism for evaluation of each continuing education activity.~~

Rule: 801.266. Determination of Clock Hour Credits and Credit Hours Granted.

Action: Proposed Repeal

Comment:

~~801.266. Determination of Clock Hour Credits and Credit Hours Granted. The council credits continuing education activities that meet the criteria §801.264 of this title (relating to Types of Acceptable Continuing Education) on a one-for-one basis with one credit hour for each clock hour spent in the continuing education activity, unless otherwise designated in the provisions below:~~

- ~~(1) Completing the jurisprudence exam once per renewal period may count for one hour of the ethics requirement described in §801.263 (relating to Requirements for Continuing Education).~~
- ~~(2) Hours spent providing clinical supervision of a marriage and family therapy intern or an LMFT Associate may count for no more than one-half of the continuing education required each renewal period.~~
- ~~(3) A presenter of a continuing education activity may earn 1.5 hours for each approved hour of continuing education presented, not to exceed one-half of the continuing education required each renewal period. The same seminar or topic may not be used more than once biennially.~~
- ~~(4) An author of a book or peer reviewed article which enhances a marriage and family licensee's knowledge or skill may claim continuing education credit not to exceed one-half of the continuing education required each renewal period.~~

18. Summary of Council's Rulemaking Actions

A. The Council's rulemaking actions taken at its October 26, 2021 meeting.

1. Adopted rules [22 TAC §883.1 Renewal of a License was published in 11/12/2021 Texas Register](#), effective November 21, 2021. Proposed rules 22 TAC §883.1 *Renewal of a License* were published in June 18, 2021, *Texas Register* [46 TexReg 3696], withdrawn August 2, 2021, and published in [August 13, 2021, Texas Register](#) [46 TexReg 4973] with corrected text and call for public comment. The proposed rules are to modify the assessment of late fees such that licensees need only pay a late renewal fee for late renewals, rather than a late fee in addition to the standard renewal fee. The period for accepting public comment ended September 13, 2021. The Council reviewed public comment and approved adoption as proposed on October 26, 2021.
2. Proposed rules and call for public comment published [December 10, 2021 edition](#) of the *Texas Register* [[46 TexReg 8311](#)]:
 - a. [22 TAC §881.33 Family Leave Pool](#) with [preamble](#)
 - b. [22 TAC §882.21 License Statuses](#) with [preamble](#)
 - c. [22 TAC §882.60 Special Provisions Applying to Military Service Members, Veterans and Spouses](#) with [preamble](#)
 - d. [22 TAC §882.61 Special Licensing Provisions for Military Spouses](#) with [preamble](#)

B. Other Council rulemaking actions in process: Proposed rules published in the [October 1, 2021 Texas Register](#) [46 TexReg 6485]. Public comment ended October 31; BHEC to consider at its next meeting on February 1, 2022.

1. [§882.37 COVID-19 Vaccine Passports Prohibited](#) to implement Senate Bill 968, enacted by the 87th Legislature in regular session (2021), which codifies new §161.0085 of the Texas Health and Safety Code and requires state agencies to ensure compliance with this law and may require compliance as a condition for licensure.
2. [§882.70 Emergency Temporary License](#) to remove requirement for renewal every 30 days that governor's disaster declaration or suspension of regulatory statutes and rules remain in effect and, instead, impose expiration of the emergency temporary license upon governor's termination of suspension of regulatory statutes and rules or state of disaster, whichever is first.
3. [§884.4 Special Requirements for Complaints Alleging Violations Related to Court Ordered Therapy or Parenting Facilitator Services](#) to require a complainant to wait to file complaint with the Council until the licensee's court-appointment has ended. This ensures that complaints are not used as a litigation tactic and the Council does not interfere or conflict with a court proceeding. Additionally, this proposed new rule expressly preserves a complainant's right to file a complaint after a licensee is no longer under court-appointment, even if the general limitations period has expired.
4. [§885.1 Executive Council Fees](#) to add \$4 fee related to Texas.gov to applications to recategorize LBSW to LMSW and LMSW to LCSW, applications for supervisor status, applications for temporary social work license, and requests for criminal history evaluation; to allocate \$2 of current fee to Texas.gov for duplicate renewal or license certificates and requests for mailing lists; and to add \$10 fee related to Texas.gov to applications for reinstatement; as well as to clarify late fees.

Rule: 883.1 Renewal of a License.

Action: Adopted Amendment

Comment: The adopted amendment is intended to modify the assessment of late fees such that licensees need only pay a late renewal fee for late renewals, rather than a late fee in addition to the standard renewal fee.

883.1. Renewal of a License.

- (a) All licenses subject to the jurisdiction of the Council are renewable on a biennial basis and must be renewed online.
- (b) Renewals are due on the last day of the license holder's birth month, but may be completed up to 60 days in advance.
- (c) Renewal Conditions:
 - (1) Licensees must pay all applicable renewal and late fees, indicate compliance with any continuing education requirements, and comply with any other requests for information or requirements contained within the online renewal system as a prerequisite for renewal of a license. This paragraph is effective for licenses with expiration dates prior to November 30, 2021.
 - (2) Licensees must pay all applicable renewal or late renewal fees, indicate compliance with any continuing education requirements, and comply with any other requests for information or requirements contained within the online renewal systems as a prerequisite for renewal of a license. This paragraph is effective for licenses with expiration dates on or after November 30, 2021.
- ~~(c) Licensees must pay all applicable renewal and late fees, indicate compliance with any continuing education requirements, and comply with any other requests for information or requirements contained within the online renewal system as a prerequisite for renewal of a license.~~
- (d) In addition to the requirements of subsection (c) of this section, licensees must also show compliance with each of the following as a condition of renewal:
 - (1) provide or update the standardized set of information about their training and practices required by §105.003 of the Health and Safety Code; and

- (2) affirm or demonstrate successful completion of a training course on human trafficking prevention described by §116.002 of the Occupations Code.
- (e) Licensed psychologists must update their online profile information when renewing their license.
- (f) A license may not be renewed until a licensee has complied with the requirements of this rule.
- (g) A licensee who falsely reports compliance with continuing education requirements on his or her renewal form or who practices with a license renewed under false pretenses will be subject to disciplinary action.
- (h) Licensees will be sent notification of their approaching renewal date at least 30 days before their renewal date. This notification will be sent to the licensee's main address via first class mail. Responsibility for renewing a license rests exclusively with the licensee, and the failure of the licensee to receive the reminder notification from the Council shall not operate to excuse a licensee's failure to timely renew a license or any unlawful practice with a subsequent delinquent license.

Rule: 881.33. Family Leave Pool

Action: Proposed New Rule

Comment: This new proposed rule is required pursuant to newly passed Subchapter A-1 of Chapter 661, Government Code (HB2063, 87th Leg.).

§881.33 Family Leave Pool

- (a) The Council hereby establishes a family leave pool to provide eligible employees more flexibility in bonding with and caring for children during a child's first year following birth, adoption, or foster placement, and to care for themselves or family members suffering from serious illness, including pandemic-related illnesses or complications caused by a pandemic.
- (b) The Council's family leave pool shall be administered by the Executive Director in accordance with Chapter 661 of the Government Code and the Texas Human Resources Statutes Inventory manual published by the Texas State Auditor's Office.
- (c) The Executive Director shall develop and prescribe procedures for the operation of the family leave pool and include such procedures in the Council's personnel manual.

AN ACT

relating to the establishment of a state employee family leave pool.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 661, Government Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. STATE EMPLOYEE FAMILY LEAVE POOL

Sec. 661.021. PURPOSE. The purpose of the state employee family leave program is to:

(1) provide eligible state employees more flexibility

in:

(A) bonding with and caring for children during a child's first year following birth, adoption, or foster placement; and

(B) caring for a seriously ill family member or the employee, including pandemic-related illnesses or complications caused by a pandemic; and

(2) allow employees to apply for leave time under the family leave pool.

Sec. 661.022. GUIDELINES. (a) The governing body of a state agency shall, through the establishment of a program, allow an agency employee to voluntarily transfer sick or vacation leave earned by the employee to a family leave pool.

(b) The executive head of the state agency or another

1 individual appointed by the governing body shall administer the
2 family leave pool.

3 (c) The governing body of the state agency shall adopt rules
4 and prescribe procedures relating to the operation of the agency
5 family leave pool.

6 Sec. 661.023. CONTRIBUTION TO FAMILY LEAVE POOL. (a) A
7 state employee may contribute to the family leave pool one or more
8 days of the employee's accrued sick or vacation leave.

9 (b) The pool administrator shall credit the family leave
10 pool with the amount of time contributed by a state employee and
11 deduct a corresponding amount of time from the employee's earned
12 sick or vacation leave as if the employee had used the time for
13 personal purposes.

14 (c) A retiring state employee may designate the number of
15 the retiring employee's accrued sick or vacation leave hours to be
16 used for retirement credit and the number of the retiring
17 employee's accrued sick or vacation leave hours to be donated on
18 retirement to the sick or family leave pool.

19 Sec. 661.024. USE OF TIME IN POOL. (a) A state employee is
20 eligible to use time contributed to the family leave pool of the
21 state agency that employs the employee if the employee has
22 exhausted the employee's eligible compensatory, discretionary,
23 sick, and vacation leave because of:

24 (1) the birth of a child;

25 (2) the placement of a foster child or adoption of a
26 child under 18 years of age;

27 (3) the placement of any person 18 years of age or

1 older requiring guardianship;

2 (4) a serious illness to an immediate family member or
3 the employee, including a pandemic-related illness;

4 (5) an extenuating circumstance created by an ongoing
5 pandemic, including providing essential care to a family member; or

6 (6) a previous donation of time to the pool.

7 (b) A state employee who applies to use time under
8 Subsection (a) to care for another person must submit and be listed
9 on the other person's birth certificate, birth facts, or adoption
10 or foster paperwork for a child under 18 years of age, including
11 being listed as the mother, father, adoptive parent, foster parent,
12 or partner of the child's mother, adoptive parent, or foster
13 parent, or provide documentation that the employee is the guardian
14 of a person who is 18 years of age or older and requiring
15 guardianship.

16 Sec. 661.025. WITHDRAWAL OF TIME FROM POOL. (a) A state
17 employee may apply to the pool administrator for permission to
18 withdraw time from the family leave pool.

19 (b) If the state employee is seeking permission to withdraw
20 time because of a serious illness, including a pandemic-related
21 illness, of an immediate family member or the employee and does not
22 qualify for or has exhausted time available in the sick leave pool,
23 the employee must provide the pool administrator with a written
24 statement from the licensed practitioner who is treating the
25 employee or the employee's immediate family member.

26 (c) If the state employee is seeking permission to withdraw
27 time because of an extenuating circumstance created by an ongoing

1 pandemic, including providing essential care to a family member,
2 the employee must provide any applicable documentation, including
3 an essential caregiver designation, proof of closure of a school or
4 daycare, or other appropriate documentation.

5 (d) If the pool administrator determines the state employee
6 is eligible, the administrator shall:

7 (1) approve the transfer of time from the pool to the
8 employee; and

9 (2) credit the time to the employee.

10 Sec. 661.026. LIMITATION ON WITHDRAWALS. (a) A state
11 employee may not withdraw time from the family leave pool in an
12 amount that exceeds the lesser of:

13 (1) one-third of the total time in the pool; or

14 (2) 90 days.

15 (b) Subject to Subsection (a), the pool administrator shall
16 determine the amount of time that an employee may withdraw from the
17 pool.

18 Sec. 661.027. EQUAL TREATMENT. A state employee absent
19 while using time withdrawn from the family leave pool may use the
20 time as sick leave earned by the employee. The employee shall be
21 treated for all purposes as if the employee is absent on earned sick
22 leave.

23 Sec. 661.028. NO ENTITLEMENT TO ESTATE. The estate of a
24 deceased state employee is not entitled to payment for unused time
25 withdrawn by the employee from the family leave pool.

26 SECTION 2. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 2063 was passed by the House on May 5, 2021, by the following vote: Yeas 135, Nays 10, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2063 was passed by the Senate on May 27, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

Rule: 882.21. License Statutes

Action: Proposed Amendment

Comment: The proposed rule change is necessary to reflect the change in process whereby requests to reactivate a license must now be submitted through the online licensing system.

882.21. License Statutes.

- (a) Active Status. Any licensee with a license on active status may practice pursuant to that license, subject to any restrictions imposed by the Council. Active status is the only status under which a licensee may engage in the practice of the licensee's respective profession.
- (b) Inactive Status.
 - (1) A licensee with an unrestricted active license may elect inactive status through the Council's online licensing system. A licensee who elects inactive status must pay the associated fee.
 - (2) A licensee with an inactive license is not required to comply with continuing education requirements while the license is inactive.
 - (3) The inactive status period for a license shall coincide with the license renewal period. At the end of the renewal period, if the inactive status has not been renewed or the license returned to active status, the license will expire.
 - (4) In order to continue on inactive status, an inactive licensee must renew the inactive status each renewal period. Licensees may renew their inactive status through the Council's online licensing system by completing the online renewal requirements and paying the associated fee.
 - (5) A licensee with a pending complaint may not place a license on inactive status. If disciplinary action is taken against a licensee's inactive license, the licensee must reactivate the license until the terms of the disciplinary action or restricted status have been terminated. Failure to reactivate a license when required by this paragraph shall constitute grounds for further disciplinary action.
 - (6) An inactive license may be reactivated at any time by applying for submitting a written request to return to active status through the online licensing system. ~~to the Council's office.~~ When reactivating

a license, a licensee must pay the renewal fee associated with the license. A license that has been reactivated is subject to the standard renewal schedule and requirements, including renewal and late fees. Notwithstanding the foregoing, a license that is reactivated within 60 days of its renewal date will be considered as having met all renewal requirements and will be renewed for the next renewal period.

- (7) Any licensee reactivating a license from inactive status must provide proof of completion of the continuing education requirements for renewal of that particular license before reactivation will occur.
- (8) A licensee wishing to reactivate a license that has been on inactive status for four years or more must take and pass the relevant jurisprudence exam with the minimum acceptable score, unless the licensee holds another license on active status within the same profession.

- (c) **Delinquent Status.** A licensee who fails to renew a license for any reason when required is considered to be on delinquent status. Any license delinquent for more than 12 consecutive months shall expire. A licensee may not engage in the practice of the licensee's respective profession under a delinquent license. The Council may sanction a delinquent licensee for violations of its rules.
- (d) **Restricted Status.** Any license that is currently suspended, on probated suspension, or is currently required to fulfill some requirements in an agency order is a restricted license.
- (e) **Retirement Status.** A licensee who is on active or inactive status may retire the license by notifying the Council in writing prior to the renewal date for the license. A licensee with a delinquent status may also retire the license by notifying the Council in writing prior to the license expiring. However, a licensee with a pending complaint or restricted license may not retire the license. A licensee who retires a license shall be reported to have retired in good standing.
- (f) **Resignation Status.** A licensee may resign only upon express agreement with the Council.
- (g) **Expired Status.** A license that has been delinquent for more than 12 consecutive months or any inactive license that is not renewed or reactivated is considered to be expired.
- (h) **Revoked Status.** A revoked status results from a license being revoked pursuant to an agency order

Rule: 882.60. Special Provisions Applying to Military Service Members, Veterans and Spouses.

Action: Proposed Amendments

Comment: The proposed change is necessary to reflect recent changes to Section 55.004 of the Occupations Code following passage of HB 139.

§882.60. Special Provisions Applying to Military Service Members, Veterans and Spouses.

- (a) The Council adopts by reference the definitions set forth in Chapter 55 of the Occupations Code.
- (b) A license may be issued to a military service member, military veteran, or military spouse upon proof of one of the following:
 - (1) the applicant holds a current license in another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license sought in this state; or
 - (2) within the five years preceding the application date, the applicant held the license sought in this state.
- (c) An applicant applying as a military spouse must submit proof of marriage to a military service member.
- (d) Each member board shall develop and maintain a method for determining substantial equivalency under subsection (b) of this section.
- (e) As part of the application process, the Executive Director may waive any prerequisite for obtaining a license, other than the requirements in subsection (b) of this section, the jurisprudence examination, and the fingerprint criminal history background check, if it is determined that the applicant's education, training, and experience provide reasonable assurance that the applicant has the knowledge and skills necessary for entry-level practice under the license sought. When making this determination, the Executive Director must consult with the relevant member board or its designated application or licensing committee and consider the board's or committee's input and recommendations. In the event the Executive Director does not follow a recommendation of the board or committee, the Executive Director must submit a written explanation to the board or committee explaining why its recommendation was not followed. No waiver may be granted where a military service member or military veteran holds a license issued by another jurisdiction that has been restricted, or where the applicant has a disqualifying criminal history.

- (f) Each member board may develop and maintain alternate methods for a military service member, military veteran, or military spouse to demonstrate competency in meeting the requirements for obtaining a license, including receiving appropriate credit for training, education, and professional experience.
- (g) Each member board shall develop and maintain a method for applying credit toward license eligibility requirements for applicants who are military service members or military veterans with verifiable military service, training, or education. An applicant may not receive credit toward licensing requirements under this subsection if the applicant holds another license that has been restricted, or the applicant has a disqualifying criminal history.
- (h) The initial renewal date for a license issued pursuant to this rule shall be set in accordance with the agency's rule governing initial renewal dates.

AN ACT

relating to state occupational licensing of certain military veterans and military spouses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 21.052, Education Code, is amended by amending Subsections (a-1), (b-1), and (f) and adding Subsection (i) to read as follows:

(a-1) The commissioner may adopt rules establishing exceptions to the examination requirements prescribed by Subsection (a)(3) for an educator from outside the state, including military service members, military spouses, and military veterans, to obtain a certificate in this state.

(b-1) The board shall propose rules in accordance with Chapter 55, Occupations Code, to establish procedures to expedite the processing of an application for a certificate under this section submitted by an educator who is a military veteran or military ~~[the] spouse [of a person who is serving on active duty as a member of the armed forces of the United States]~~, including rules for providing a permanent change of station order for purposes of establishing residency and for providing a military identification card ~~[the appropriate documentation to establish the educator's status as a spouse of a person who is serving on active duty as a member of the armed forces of the United States]~~.

(f) The board shall post on the board's Internet website the

1 procedures for obtaining a certificate under Subsection (a) and the
2 notice required under Section 55.010, Occupations Code.

3 (i) In this section:

4 (1) "Active duty" means current full-time military
5 service in the armed forces of the United States or active duty
6 military service as a member of the Texas military forces, as
7 defined by Section 437.001, Government Code, or similar military
8 service of another state.

9 (2) "Armed forces of the United States" means the
10 army, navy, air force, space force, coast guard, or marine corps of
11 the United States or a reserve unit of one of those branches of the
12 armed forces.

13 (3) "Military service member" means a person who is on
14 active duty.

15 (4) "Military spouse" means a person who is married to
16 a military service member.

17 (5) "Military veteran" means a person who has served
18 on active duty and who was discharged or released from active duty.

19 SECTION 2. Section 55.001(2), Occupations Code, is amended
20 to read as follows:

21 (2) "Armed forces of the United States" means the
22 army, navy, air force, space force, coast guard, or marine corps of
23 the United States or a reserve unit of one of those branches of the
24 armed forces.

25 SECTION 3. Section 55.004, Occupations Code, is amended by
26 amending Subsection (c) and adding Subsection (d) to read as
27 follows:

1 (c) In addition to the rules adopted under Subsection (a), a
2 state agency that issues a license may adopt rules that would
3 establish alternate methods for a military service member, military
4 veteran, or military spouse to demonstrate competency to meet the
5 requirements for obtaining the license, including receiving
6 appropriate credit for training, education, and clinical and
7 professional experience.

8 (d) A state agency that issues a license that has a
9 residency requirement for license eligibility shall adopt rules
10 regarding documentation necessary for a military spouse applicant
11 to establish residency for purposes of this subsection, including
12 by providing to the agency a copy of the permanent change of station
13 order for the military service member to whom the spouse is married.

14 SECTION 4. Section 55.0041(b), Occupations Code, is amended
15 to read as follows:

16 (b) Before engaging in the practice of the business or
17 occupation, the military spouse must:

18 (1) notify the applicable state agency of the spouse's
19 intent to practice in this state;

20 (2) submit to the agency proof of the spouse's
21 residency in this state in accordance with rules adopted under
22 Section 55.004(d) and a copy of the spouse's military
23 identification card; and

24 (3) receive from the agency confirmation that:

25 (A) the agency has verified the spouse's license
26 in the other jurisdiction; and

27 (B) the spouse is authorized to engage in the

1 business or occupation in accordance with this section.

2 SECTION 5. The changes in law made by this Act apply only to
3 an initial application for or an application for renewal of an
4 occupational license or certificate filed on or after the effective
5 date of this Act. An application for a license or certificate filed
6 before the effective date of this Act is governed by the law in
7 effect on the date the application was filed, and the former law is
8 continued in effect for that purpose.

9 SECTION 6. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 139 was passed by the House on April 1, 2021, by the following vote: Yeas 148, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 139 was passed by the Senate on May 3, 2021, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

Rule: 882.61. Special Licensing Provisions for Military Spouses

Action: Proposed Amendment

Comment: The proposed amendment to this rule is necessary to correct a typographical error and to reflect recent changes to Section 55.004 of the Occupations Code following passage of HB 139.

882.61. Special Licensing Provisions for Military Spouses

- (a) A military spouse shall be issued a license to practice marriage and family therapy, professional counseling, ~~practice~~ psychology, or social work if the person meets each of the following requirements:
- (1) the spouse notifies the Council on an agency approved form, of the spouse's intent to practice a particular profession in this state;
 - (2) the spouse provides verification of licensure in good standing in another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for licensure in this state;
 - (3) the spouse submits a copy of the law reflecting the current licensing standards for the relevant profession in the state where the spouse is licensed, with the relevant portions highlighted for easy reference;
 - (4) the spouse submits proof of residency in this state (e.g., copy of a permanent change of station order) and a copy of the spouse's military identification card; and
 - (5) the Council provides confirmation to the spouse that it has verified the spouse's license in the other jurisdiction and that the spouse is authorized to practice a particular profession.
- (b) The Council shall determine substantial equivalency based upon the determinations made by the member boards under subsection §882.60(d) of this chapter.
- (c) The Council may rely upon the following when verifying licensure under this subsection: official verification received directly from the other jurisdiction, a government website reflecting active licensure and good standing, or verbal or email verification directly from the other jurisdiction.

- (d) A military spouse issued a license under this rule is subject to all laws and regulations in the same manner as a regularly licensed provider.

- (e) A license issued under this rule is valid while the holder's spouse is stationed at a military installation in this state or for three years from the date of issuance, whichever is less. A license issued under this rule cannot be renewed or extended.

AN ACT

relating to state occupational licensing of certain military veterans and military spouses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 21.052, Education Code, is amended by amending Subsections (a-1), (b-1), and (f) and adding Subsection (i) to read as follows:

(a-1) The commissioner may adopt rules establishing exceptions to the examination requirements prescribed by Subsection (a)(3) for an educator from outside the state, including military service members, military spouses, and military veterans, to obtain a certificate in this state.

(b-1) The board shall propose rules in accordance with Chapter 55, Occupations Code, to establish procedures to expedite the processing of an application for a certificate under this section submitted by an educator who is a military veteran or military ~~[the] spouse [of a person who is serving on active duty as a member of the armed forces of the United States]~~, including rules for providing a permanent change of station order for purposes of establishing residency and for providing a military identification card ~~[the appropriate documentation to establish the educator's status as a spouse of a person who is serving on active duty as a member of the armed forces of the United States]~~.

(f) The board shall post on the board's Internet website the

1 procedures for obtaining a certificate under Subsection (a) and the
2 notice required under Section 55.010, Occupations Code.

3 (i) In this section:

4 (1) "Active duty" means current full-time military
5 service in the armed forces of the United States or active duty
6 military service as a member of the Texas military forces, as
7 defined by Section 437.001, Government Code, or similar military
8 service of another state.

9 (2) "Armed forces of the United States" means the
10 army, navy, air force, space force, coast guard, or marine corps of
11 the United States or a reserve unit of one of those branches of the
12 armed forces.

13 (3) "Military service member" means a person who is on
14 active duty.

15 (4) "Military spouse" means a person who is married to
16 a military service member.

17 (5) "Military veteran" means a person who has served
18 on active duty and who was discharged or released from active duty.

19 SECTION 2. Section 55.001(2), Occupations Code, is amended
20 to read as follows:

21 (2) "Armed forces of the United States" means the
22 army, navy, air force, space force, coast guard, or marine corps of
23 the United States or a reserve unit of one of those branches of the
24 armed forces.

25 SECTION 3. Section 55.004, Occupations Code, is amended by
26 amending Subsection (c) and adding Subsection (d) to read as
27 follows:

1 (c) In addition to the rules adopted under Subsection (a), a
2 state agency that issues a license may adopt rules that would
3 establish alternate methods for a military service member, military
4 veteran, or military spouse to demonstrate competency to meet the
5 requirements for obtaining the license, including receiving
6 appropriate credit for training, education, and clinical and
7 professional experience.

8 (d) A state agency that issues a license that has a
9 residency requirement for license eligibility shall adopt rules
10 regarding documentation necessary for a military spouse applicant
11 to establish residency for purposes of this subsection, including
12 by providing to the agency a copy of the permanent change of station
13 order for the military service member to whom the spouse is married.

14 SECTION 4. Section 55.0041(b), Occupations Code, is amended
15 to read as follows:

16 (b) Before engaging in the practice of the business or
17 occupation, the military spouse must:

18 (1) notify the applicable state agency of the spouse's
19 intent to practice in this state;

20 (2) submit to the agency proof of the spouse's
21 residency in this state in accordance with rules adopted under
22 Section 55.004(d) and a copy of the spouse's military
23 identification card; and

24 (3) receive from the agency confirmation that:

25 (A) the agency has verified the spouse's license
26 in the other jurisdiction; and

27 (B) the spouse is authorized to engage in the

1 business or occupation in accordance with this section.

2 SECTION 5. The changes in law made by this Act apply only to
3 an initial application for or an application for renewal of an
4 occupational license or certificate filed on or after the effective
5 date of this Act. An application for a license or certificate filed
6 before the effective date of this Act is governed by the law in
7 effect on the date the application was filed, and the former law is
8 continued in effect for that purpose.

9 SECTION 6. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 139 was passed by the House on April 1, 2021, by the following vote: Yeas 148, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 139 was passed by the Senate on May 3, 2021, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

Rule: 882.37. COVID-19 Vaccine Passports Prohibited.

Action: Proposed New Rule

Comment: The proposed new rule is needed to implement S.B. 968, 87th Leg., R.S. (2021), which codifies new Section 161.0085 of the Health and Safety Code. This new statute requires state agencies to ensure compliance with this statute and may require compliance as a condition for licensure.

882.37. COVID-19 Vaccine Passports Prohibited.

- (a) In this rule, COVID-19 has the same meaning assigned by §161.0085 of the Health and Safety Code.
- (b) A licensee shall not require an individual to provide any documentation certifying the individual's COVID-19 vaccination or post-transmission recovery on entry to, to gain access to, or to receive service from the licensee or the licensee's practice.
- (c) Notwithstanding subsection (b) of this section, licensees may implement COVID-19 screening and infection control protocols in accordance with state and federal law to protect public health.
- (d) This rule shall not operate or be construed to interfere with an individual's right to access the individual's personal health information under federal law.

AN ACT

relating to public health disaster and public health emergency preparedness and response; providing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 418, Government Code, is amended by adding Section 418.0125 to read as follows:

Sec. 418.0125. LIMITATIONS ON MEDICAL PROCEDURES. (a) In this section, "nonelective medical procedure" means a medical procedure, including a surgery, a physical exam, a diagnostic test, a screening, the performance of a laboratory test, and the collection of a specimen to perform a laboratory test, that if not performed within a reasonable time may, as determined in good faith by a patient 's physician, result in:

(1) the patient 's loss of life; or

(2) a deterioration, complication, or progression of the patient 's current or potential medical condition or disorder, including a physical condition or mental disorder.

(b) The Texas Medical Board during a declared state of disaster may not issue an order or adopt a regulation that limits or prohibits a nonelective medical procedure.

(c) The Texas Medical Board during a declared state of disaster may issue an order or adopt a regulation imposing a temporary limitation or prohibition on a medical procedure other than a nonelective medical procedure only if the limitation or

1 prohibition is reasonably necessary to conserve resources for
2 nonelective medical procedures or resources needed for disaster
3 response. An order issued or regulation adopted under this
4 subsection may not continue for more than 15 days unless renewed by
5 the board.

6 (d) A person subject to an order issued or regulation
7 adopted under this section who in good faith acts or fails to act in
8 accordance with that order or regulation is not civilly or
9 criminally liable and is not subject to disciplinary action for
10 that act or failure to act.

11 (e) The immunity provided by Subsection (d) is in addition
12 to any other immunity or limitation of liability provided by law.

13 (f) Notwithstanding any other law, this section does not
14 create a civil, criminal, or administrative cause of action or
15 liability or create a standard of care, obligation, or duty that
16 provides the basis for a cause of action for an act or omission
17 under this section.

18 SECTION 2. Subchapter C, Chapter 418, Government Code, is
19 amended by adding Section 418.0435 to read as follows:

20 Sec. 418.0435. PERSONAL PROTECTIVE EQUIPMENT CONTRACTS.

21 (a) The division shall enter into a contract with a manufacturer or
22 wholesale distributor of personal protective equipment that
23 guarantees a set amount and stocked supply of the equipment for use
24 during a public health disaster declared under Section 81.0813,
25 Health and Safety Code.

26 (b) The division may purchase personal protective equipment
27 under a contract described by Subsection (a) only if the division

1 determines the state 's supply of personal protective equipment will
2 be insufficient based on an evaluation of the personal protective
3 equipment:

4 (1) held in reserve in this state; and

5 (2) supplied by or expected to be supplied by the
6 federal government.

7 (c) The division shall pursue all available federal funding
8 to cover the costs of personal protective equipment purchased under
9 a contract described by Subsection (a).

10 (d) In entering into a contract under Subsection (a), the
11 division shall ensure that the manufacturer is located in the
12 United States to the extent practicable.

13 SECTION 3. Subchapter E, Chapter 418, Government Code, is
14 amended by adding Section 418.1085 to read as follows:

15 Sec. 418.1085. LIMITATIONS ON CONSTRUCTION AND RELATED
16 SERVICES. The presiding officer of the governing body of a
17 political subdivision may not issue an order during a declared
18 state of disaster or local disaster to address a pandemic disaster
19 that would limit or prohibit:

20 (1) housing and commercial construction activities,
21 including related activities involving the sale, transportation,
22 and installation of manufactured homes;

23 (2) the provision of governmental services for title
24 searches, notary services, and recording services in support of
25 mortgages and real estate services and transactions;

26 (3) residential and commercial real estate services,
27 including settlement services; or

1 (4) essential maintenance, manufacturing, design,
2 operation, inspection, security, and construction services for
3 essential products, services, and supply chain relief efforts.

4 SECTION 4. Subchapter H, Chapter 418, Government Code, is
5 amended by adding Section 418.1861 to read as follows:

6 Sec. 418.1861. DISEASE PREVENTION INFORMATION SYSTEM. (a)
7 The Department of State Health Services, using existing resources,
8 shall develop and implement a disease prevention information system
9 for dissemination of immunization information during a declared
10 state of disaster or local state of disaster.

11 (b) During a declared state of disaster or local state of
12 disaster, the Department of State Health Services shall ensure that
13 educational materials regarding immunizations are available to
14 local health authorities in this state for distribution to:

15 (1) public and private schools;

16 (2) child-care facilities as defined by Section
17 42.002, Human Resources Code;

18 (3) community centers offering youth services and
19 programs;

20 (4) community centers offering services and programs
21 to vulnerable populations, including communities of color,
22 low-income individuals, and elderly individuals;

23 (5) local health care providers; and

24 (6) veterans homes as defined by Section 164.002,
25 Natural Resources Code.

26 (c) The educational materials must include:

27 (1) the most recent immunization schedules by age as

1 recommended by the Centers for Disease Control and Prevention; and
2 (2) locations, if any, of local health care providers
3 that offer immunizations.

4 SECTION 5. Chapter 418, Government Code, is amended by
5 adding Subchapter J to read as follows:

6 SUBCHAPTER J. WELLNESS CHECKS FOR MEDICALLY FRAGILE INDIVIDUALS
7 DURING CERTAIN EMERGENCIES

8 Sec. 418.301. DEFINITIONS. In this subchapter:

9 (1) "Commission" means the Health and Human Services
10 Commission.

11 (2) "Department" means the Department of State Health
12 Services.

13 (3) "Emergency assistance registry" means the
14 registry maintained by the division that provides local emergency
15 planners and emergency responders with additional information on
16 the needs of certain individuals in their communities.

17 (4) "First responder" means any federal, state, or
18 local personnel who may respond to a disaster, including:

19 (A) public health and public safety personnel;

20 (B) commissioned law enforcement personnel;

21 (C) fire protection personnel, including
22 volunteer firefighters;

23 (D) emergency medical services personnel,
24 including hospital emergency facility staff;

25 (E) a member of the National Guard; or

26 (F) a member of the Texas State Guard.

27 (5) "Medically fragile individual" means any

1 individual who, during a time of disaster or emergency, would be
2 particularly vulnerable because of a medical condition, including
3 individuals:

4 (A) with Alzheimer 's disease and other related
5 disorders;

6 (B) receiving dialysis services;

7 (C) who are diagnosed with a debilitating chronic
8 illness;

9 (D) who are dependent on oxygen treatment; and

10 (E) who have medical conditions that require
11 24-hour supervision from a skilled nurse.

12 Sec. 418.302. MEDICALLY FRAGILE INDIVIDUAL DESIGNATION.

13 The division shall develop a process for designating individuals
14 who are included in the emergency assistance registry as medically
15 fragile for the purposes of this chapter.

16 Sec. 418.303. EMERGENCY ASSISTANCE REGISTRY ACCESS. The

17 division shall authorize the following persons to access the
18 emergency assistance registry to assist medically fragile
19 individuals during an event described by Section 418.305:

20 (1) the commission;

21 (2) the department;

22 (3) first responders;

23 (4) local governments; and

24 (5) local health departments.

25 Sec. 418.304. REQUIRED WELLNESS CHECK. The division shall

26 collaborate with the persons authorized to access the emergency
27 assistance registry under Section 418.303 and with applicable

1 municipalities and counties to ensure that a wellness check is
2 conducted on each medically fragile individual listed in the
3 emergency assistance registry and located in an area that
4 experiences an event described by Section 418.305 to ensure the
5 individual has:

- 6 (1) continuity of care; and
- 7 (2) the ability to continue using electrically powered
8 medical equipment, if applicable.

9 Sec. 418.305. EVENTS REQUIRING WELLNESS CHECKS. (a) The
10 division, in collaboration with the commission and the department,
11 shall adopt rules regarding which events require a wellness check,
12 including:

- 13 (1) an extended power, water, or gas outage;
- 14 (2) a state of disaster declared under this chapter;
- 15 or
- 16 (3) any other event considered necessary by the
17 commission, the department, or the division.

18 (b) If more than one disaster is declared for the same
19 event, or the same event qualifies as an event requiring a wellness
20 check for multiple reasons under Subsection (a), only one wellness
21 check is required to be conducted under this subchapter.

22 Sec. 418.306. REQUIREMENTS FOR WELLNESS CHECK. (a) The
23 division, in collaboration with the commission and the department,
24 by rule shall develop minimum standards for conducting wellness
25 checks. Each county and municipality shall adopt procedures for
26 conducting wellness checks in compliance with the minimum
27 standards.

1 (b) A wellness check on a medically fragile individual under
2 this subchapter must:

3 (1) include:

4 (A) an automated telephone call and text to the
5 individual;

6 (B) a personalized telephone call to the
7 individual; and

8 (C) if the individual is unresponsive to a
9 telephone call under Paragraph (B), an in-person wellness check;
10 and

11 (2) be conducted in accordance with the minimum
12 standards prescribed by division rule and the procedures of the
13 applicable county or municipality.

14 (c) A wellness check must be conducted as soon as
15 practicable but not later than 24 hours after the event requiring a
16 wellness check occurs.

17 Sec. 418.307. RULES. The division, in collaboration with
18 the commission and the department, shall adopt rules to implement
19 this subchapter.

20 SECTION 6. The heading to Subtitle D, Title 2, Health and
21 Safety Code, is amended to read as follows:

22 SUBTITLE D. PREVENTION, CONTROL, AND REPORTS OF DISEASES; PUBLIC
23 HEALTH DISASTERS AND EMERGENCIES

24 SECTION 7. The heading to Chapter 81, Health and Safety
25 Code, is amended to read as follows:

26 CHAPTER 81. COMMUNICABLE DISEASES; PUBLIC HEALTH DISASTERS; PUBLIC
27 HEALTH EMERGENCIES

1 SECTION 8. Section 81.003 , Health and Safety Code, is
2 amended by amending Subdivision (7) and adding Subdivision (7-a) to
3 read as follows:

4 (7) "Public health disaster" means:

5 (A) a declaration by the governor of a state of
6 disaster; and

7 (B) a determination by the commissioner that
8 there exists an immediate threat from a communicable disease, health condition, or chemical, biological, radiological, or
9 electromagnetic exposure that:

10 (i) poses a high risk of death or serious
11 harm [~~long term disability~~] to the public [~~a large number of~~
12 ~~people~~], and

13 (ii) creates a substantial risk of harmful
14 public exposure [~~because of the disease 's high level of contagion~~
15 ~~or the method by which the disease is transmitted~~].

16 (7-a) "Public health emergency" means a determination
17 by the commissioner, evidenced in an emergency order issued by the
18 commissioner, that there exists an immediate threat from a
19 communicable disease, health condition, or chemical, biological,
20 radiological, or electromagnetic exposure that:

21 (A) potentially poses a risk of death or severe
22 illness or harm to the public; and

23 (B) potentially creates a substantial risk of
24 harmful exposure to the public.

25 SECTION 9. The heading to Subchapter B, Chapter 81, Health
26 and Safety Code, is amended to read as follows:
27

SUBCHAPTER B. PREVENTION AND PREPAREDNESS

SECTION 10. Section 81.044 , Health and Safety Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In this subsection, "cycle threshold value" means for a communicable disease test the number of thermal cycles required for the fluorescent signal to exceed that of the background and cross the threshold for a positive test. The executive commissioner shall require the reports of polymerase chain reaction tests from clinical or hospital laboratories to contain the cycle threshold values and their reference ranges.

SECTION 11. Section 81.081 , Health and Safety Code, is amended to read as follows:

Sec. 81.081. DEPARTMENT 'S DUTY. The department is the preemptive authority for purposes of this chapter and shall coordinate statewide or regional efforts to protect public health. The department shall collaborate with local elected officials, including county and municipal officials, ~~[impose control measures]~~ to prevent the spread of disease and and ~~[in the exercise of its power to]~~ protect the public health.

SECTION 12. Subchapter E, Chapter 81, Health and Safety Code, is amended by adding Sections 81.0813, 81.0814, and 81.0815 to read as follows:

Sec. 81.0813. AUTHORITY TO DECLARE PUBLIC HEALTH DISASTER OR ORDER PUBLIC HEALTH EMERGENCY. (a) The commissioner may declare a statewide or regional public health disaster or order a statewide or regional public health emergency if the commissioner determines an occurrence or threat to public health is imminent. The

1 commissioner may declare a public health disaster only if the
2 governor declares a state of disaster under Chapter 418, Government
3 Code, for the occurrence or threat.

4 (b) Except as provided by Subsection (c), a public health
5 disaster or public health emergency continues until the governor or
6 commissioner terminates the disaster or emergency on a finding
7 that:

8 (1) the threat or danger has passed; or

9 (2) the disaster or emergency has been managed to the
10 extent emergency conditions no longer exist.

11 (c) A public health disaster or public health emergency
12 expires on the 30th day after the date the disaster or emergency is
13 declared or ordered by the commissioner. A public health disaster
14 may only be renewed by the legislature or by the commissioner with
15 the approval of a designated legislative oversight board that has
16 been granted authority under a statute enacted by the legislature
17 to approve the renewal of a public health disaster declaration.
18 Each renewal period may not exceed 30 days.

19 (d) A declaration or order issued under this section must
20 include:

21 (1) a description of the nature of the disaster or
22 emergency;

23 (2) a designation of the area threatened by the
24 disaster or emergency;

25 (3) a description of the condition that created the
26 disaster or emergency; and

27 (4) if applicable:

1 (A) the reason for renewing the disaster or
2 emergency; or

3 (B) the reason for terminating the disaster or
4 emergency.

5 (e) A declaration or order issued under this section must be
6 disseminated promptly by means intended to bring its contents to
7 the public 's attention. A statewide or regional declaration or
8 order shall be filed promptly with the office of the governor and
9 the secretary of state. A regional declaration or order shall be
10 filed with the county clerk or municipal secretary in each area to
11 which it applies, unless the circumstances attendant on the
12 disaster or emergency prevent or impede the filing.

13 Sec. 81.0814. CONSULTATION WITH TASK FORCE ON INFECTIOUS
14 DISEASE PREPAREDNESS AND RESPONSE. After declaring a public health
15 disaster or ordering a public health emergency, the commissioner
16 shall consult with the Task Force on Infectious Disease
17 Preparedness and Response, including any subcommittee the task
18 force forms to aid in the rapid assessment of response efforts.

19 Sec. 81.0815. FAILURE TO REPORT; CIVIL PENALTY. (a) A
20 health care facility that fails to submit a report required by the
21 department under a public health disaster is liable to this state
22 for a civil penalty of not more than \$1,000 for each failure.

23 (b) The attorney general at the request of the department
24 may bring an action to collect a civil penalty imposed under this
25 section.

26 SECTION 13. Sections 161.00705 (a) and (c), Health and
27 Safety Code, are amended to read as follows:

1 (a) The department shall maintain a registry of persons who
 2 receive an immunization or[,+] antiviral[, ~~and other medication~~]
 3 administered to prepare for a potential disaster, public health
 4 disaster [~~emergency~~], terrorist attack, hostile military or
 5 paramilitary action, or extraordinary law enforcement emergency or
 6 in response to a declared disaster, public health disaster
 7 [~~emergency~~], terrorist attack, hostile military or paramilitary
 8 action, or extraordinary law enforcement emergency. A health care
 9 provider who administers an immunization or[,+] antiviral[, ~~or other~~
 10 ~~medication~~] shall provide the data elements to the department. At
 11 the request and with the authorization of the health care provider,
 12 the data elements may be provided through a health information
 13 exchange as defined by Section 182.151 .

14 (c) The department shall track adverse reactions to an
 15 immunization or[,+] antiviral[, ~~and other medication~~] administered
 16 to prepare for a potential disaster, public health disaster
 17 [~~emergency~~], terrorist attack, hostile military or paramilitary
 18 action, or extraordinary law enforcement emergency or in response
 19 to a declared disaster, public health disaster [~~emergency~~],
 20 terrorist attack, hostile military or paramilitary action, or
 21 extraordinary law enforcement emergency. A health care provider
 22 who administers an immunization or[,+] antiviral[, ~~or other~~
 23 ~~medication~~] may provide data related to adverse reactions to the
 24 department.

25 SECTION 14. Subchapter A, Chapter 161, Health and Safety
 26 Code, is amended by adding Section 161.0085 to read as follows:

27 Sec. 161.0085. COVID-19 VACCINE PASSPORTS PROHIBITED. (a)

1 In this section, "COVID-19" means the 2019 novel coronavirus
2 disease.

3 (b) A governmental entity in this state may not issue a
4 vaccine passport, vaccine pass, or other standardized
5 documentation to certify an individual's COVID-19 vaccination
6 status to a third party for a purpose other than health care or
7 otherwise publish or share any individual's COVID-19 immunization
8 record or similar health information for a purpose other than
9 health care.

10 (c) A business in this state may not require a customer to
11 provide any documentation certifying the customer's COVID-19
12 vaccination or post-transmission recovery on entry to, to gain
13 access to, or to receive service from the business. A business that
14 fails to comply with this subsection is not eligible to receive a
15 grant or enter into a contract payable with state funds.

16 (d) Notwithstanding any other law, each appropriate state
17 agency shall ensure that businesses in this state comply with
18 Subsection (c) and may require compliance with that subsection as a
19 condition for a license, permit, or other state authorization
20 necessary for conducting business in this state.

21 (e) This section may not be construed to:

22 (1) restrict a business from implementing COVID-19
23 screening and infection control protocols in accordance with state
24 and federal law to protect public health; or

25 (2) interfere with an individual's right to access the
26 individual's personal health information under federal law.

27 SECTION 15. Subchapter C, Chapter 1001, Health and Safety

1 Code, is amended by adding Section 1001.0515 to read as follows:

2 Sec. 1001.0515. OFFICE OF CHIEF STATE EPIDEMIOLOGIST. (a)

3 The commissioner shall:

4 (1) establish an Office of Chief State Epidemiologist
5 within the department to provide expertise in public health
6 activities and policy in this state by:

7 (A) evaluating epidemiologic, medical, and
8 health care information; and

9 (B) identifying pertinent research and
10 evidence-based best practices; and

11 (2) appoint a physician licensed to practice medicine
12 in this state as the chief state epidemiologist to administer the
13 Office of Chief State Epidemiologist.

14 (b) The chief state epidemiologist must:

15 (1) be board certified in a medical specialty; and

16 (2) have significant experience in public health and
17 an advanced degree in public health, epidemiology, or a related
18 field.

19 (c) The chief state epidemiologist serves as:

20 (1) the department expert on epidemiological matters
21 and on communicable and noncommunicable diseases; and

22 (2) the department 's senior science representative and
23 primary contact for the Centers for Disease Control and Prevention
24 and other federal agencies related to epidemiologic science and
25 disease surveillance.

26 (d) The chief state epidemiologist may provide professional
27 and scientific consultation regarding epidemiology and disease

1 control, harmful exposure, and injury prevention to state agencies,
2 health facilities, health service regions, local health
3 authorities, local health departments, and other entities.

4 (e) Notwithstanding any other law, the chief state
5 epidemiologist may access information from the department to
6 implement duties of the epidemiologist 's office. Reports, records,
7 and information provided to the Office of Chief State
8 Epidemiologist that relate to an epidemiologic or toxicologic
9 investigation of human illness or conditions and of environmental
10 exposure that are harmful or believed to be harmful to the public
11 health are confidential and not subject to disclosure under Chapter
12 552 , Government Code, and may not be released or made public on
13 subpoena or otherwise, except for statistical purposes if released
14 in a manner that prevents identification of any person.

15 SECTION 16. Section 1001.089 (a)(2), Health and Safety Code,
16 is amended to read as follows:

17 (2) "Local public health entity" means a local health
18 authority, local health unit, local health department, or public
19 health district.

20 SECTION 17. Section 81.082 (e), Health and Safety Code, is
21 repealed.

22 SECTION 18. (a) In this section, "council" means the
23 Preparedness Coordinating Council advisory committee established
24 by the Health and Human Services Commission under Section 1001.035 ,
25 Health and Safety Code, for the Department of State Health
26 Services.

27 (b) In coordination with the emergency management council

1 established by the governor under Section 418.013 , Government Code,
2 the council shall conduct a study on this state 's response to the
3 2019 novel coronavirus disease. The council shall examine the
4 roles of the Department of State Health Services, the Health and
5 Human Services Commission, and the Texas Division of Emergency
6 Management relating to public health disaster and emergency
7 planning and response efforts and determine the efficacy of the
8 state emergency operations plan in appropriately identifying
9 agency responsibilities. The council may collaborate with an
10 institution of higher education in this state to conduct the study.

11 (c) Not later than nine months after the date the declared
12 public health disaster related to the 2019 novel coronavirus
13 disease is terminated, or September 1, 2023, whichever is earlier,
14 the council shall prepare and submit a written report to the
15 governor, the lieutenant governor, the speaker of the house of
16 representatives, and the members of the legislature on the results
17 of the study conducted under Subsection (b) of this section. The
18 report must include recommendations for legislative improvements
19 for public health disaster and public health emergency response and
20 preparedness.

21 (d) This section expires September 1, 2023.

22 SECTION 19. Section 418.0125, Government Code, as added by
23 this Act, applies only to an order issued or regulation adopted on
24 or after the effective date of this Act.

25 SECTION 20. As soon as practicable, but not later than
26 August 31, 2022, the Department of State Health Services shall
27 implement the disease prevention information system as required by

1 Section 418.1861, Government Code, as added by this Act.

2 SECTION 21. As soon as practicable after the effective date
3 of this Act, the Texas Division of Emergency Management shall adopt
4 the rules necessary to implement Subchapter J, Chapter 418,
5 Government Code, as added by this Act.

6 SECTION 22. (a) The Department of State Health Services
7 and the Preparedness Coordinating Council advisory committee are
8 required to implement this Act only if the legislature appropriates
9 money specifically for that purpose. If the legislature does not
10 appropriate money specifically for that purpose, the department and
11 council may, but are not required to, implement this Act using other
12 appropriations available for that purpose.

13 (b) The Department of State Health Services shall use any
14 available federal money to implement this Act.

15 SECTION 23. This Act takes effect immediately if it
16 receives a vote of two-thirds of all the members elected to each
17 house, as provided by Section 39, Article III, Texas Constitution.
18 If this Act does not receive the vote necessary for immediate
19 effect, this Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 968 passed the Senate on April 21, 2021, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 30, 2021, by the following vote: Yeas 28, Nays 3.

Secretary of the Senate

I hereby certify that S.B. No. 968 passed the House, with amendments, on May 26, 2021, by the following vote: Yeas 146, Nays 2, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

Rule: 882.70. Emergency Temporary License

Action: Proposed Amendment

882.70. Emergency Temporary License.

- (a) The Council shall issue an emergency temporary license to practice marriage and family therapy, professional counseling, psychology, or social work if:
 - (1) the Governor declares a disaster under §418.014 and issues a proclamation in accordance with Government Code §418.016 suspending regulatory statutes and rules which would prevent, hinder, or delay necessary action in coping with the declared disaster;
 - (2) the Executive Director determines that enacting these emergency licensing provisions are necessary in that disaster area; and
 - (3) the applicant meets the requirements set forth herein below.
- (b) An emergency temporary license issued pursuant to this rule will expire ~~thirty (30) days after issuance or~~ upon termination of the suspension or state of disaster, whichever occurs first.
- (c) An emergency temporary license issued pursuant to this rule is valid only for the practice of marriage and family therapy, professional counseling, psychology, or social work within the disaster area designated by the governor.
- (d) To be eligible for an emergency temporary license, an applicant must:
 - (1) submit an application in the form prescribed by the Council; and
 - (2) submit written verification that the applicant is actively licensed, certified, or registered to practice, marriage and family therapy, professional counseling, psychology, or social work in another jurisdiction and that the licensure, certification, or registration is in good standing.
- (e) For purposes of subsection (d) of this section, the term "good standing" means there is not current disciplinary action on the out-of-state license, certification, or registration.
- ~~(f) An emergency temporary license may be renewed in thirty (30) day increments if the disaster declaration has not expired or been terminated. To renew a license, an individual must submit a renewal application on a board approved form on or before the license expiration date.~~

~~(f)~~(g) An individual practicing under an emergency temporary license must:

- (1) display a copy of the emergency temporary license in a conspicuous location when delivering services, or provide written notification of the license number and instructions on how to verify the status of a license when initiating services with a patient or client;
- (2) provide notification to the public and the patient or client regarding how a complaint may be filed with the Council; and
- (3) comply with all other applicable Council rules.

~~(g)~~(h) There is no fee associated with the application, or issuance, ~~or renewal~~ of an emergency temporary license

Rule: 884.4. Special Requirements for Complaints Alleging Violations Related to Court Ordered Therapy or Parenting Facilitator Services.

Action: Proposed New Rule

Comment: The proposed new rule is intended to address the procedural requirements for the filing and adjudication of complaints relating to court-ordered therapy or parenting facilitator services. Under this rule, a complainant must wait to bring a complaint to the agency until the licensee's appointment has expired or been terminated. This ensures that complaints are not used as a litigation tactic and that the agency does not interfere or conflict with a court's inherent power to regulate its own proceedings. Additionally, the proposed new rule expressly preserves a complainant's right to file a complaint once a licensee is no longer under appointment even if the general limitations period has expired.

884.4. Special Requirements for Complaints Alleging Violations Related to Court-ordered Therapy or Parenting Facilitator Services.

- (a) A person who seeks to file a complaint alleging a statutory or rule violation arising out of or related to court ordered therapy or parenting facilitator services must, in addition to submitting a Council-approved complaint form, comply with the requirements of this rule when filing a complaint.
- (b) A complaint may not be filed while the licensee is under appointment to provide therapy or parenting facilitator services. A complaint received by the Council while the licensee is appointed will be dismissed by staff as premature but may be resubmitted as a new complaint after the appointment is concluded or terminated.
- (c) A complaint will be considered timely filed if brought within the time period specified by the general rule governing timeliness of complaints or within one year of the appointment being concluded or terminated, whichever is greater.
- (d) A complaint must include each of the following:
 - (1) Documentation reflecting the licensee's appointment in the case. A copy of a court order, docket sheet, or transcript from the proceedings or a letter from an attorney involved in the case will meet the requirements of this rule;
 - (2) a copy of any documents provided by the licensee describing the costs, nature, or limitations of the services to be provided, or a statement that no such documents were provided;

(3) an attestation that the licensee's appointment in the case has been concluded or terminated. A letter from an attorney involved in the case will also meet the requirements of this rule.

(e) A complaint that does not substantially comply with subsection (d) shall be dismissed by agency staff. A complaint may be held open for no more than 30 days following notice to the complainant regarding any such deficiency, after which, agency staff shall dismiss the complaint if the deficiency is not cured.

Figure: 22 TAC §885.1

<u>Fees</u>	<u>Total Fee</u>	<u>Base</u>	<u>Texas.gov</u>	<u>OPP</u>	<u>eStrategy</u>
APPLICATION FEES					
Social Workers					
LBSW or LMSW Application	\$ 109.00	\$ 100.00	\$ 4.00	\$ 5.00	
LCSW Application (LMSW-AP applications no longer accepted)	\$ 129.00	\$ 120.00	\$ 4.00	\$ 5.00	
Upgrade from LBSW to LMSW	\$ 24.00 \$ 20.00	\$ 20.00	\$ 4.00		
Upgrade from LMSW to LCSW	\$ 24.00 \$ 20.00	\$ 20.00	\$ 4.00		
Independent Practice Recognition	\$ 20.00	\$ 20.00			
Supervisor Status Application	\$ 54.00 \$ 50.00	\$ 50.00	\$ 4.00		
Temporary License Application	\$ 34.00 \$ 30.00	\$ 30.00	\$ 4.00		
Marriage and Family Therapists					
Initial LMFT Associate Application	\$ 159.00 \$ 69.00	\$ 150.00 \$ 60.00	\$ 4.00	\$ 5.00	
Initial Licensure Fee	\$ 90.00	\$ 90.00			
Upgrade from LMFT Associate to LMFT	\$ 90.00	\$ 85.00 \$ 90.00	\$ 5.00		
LMFT by Endorsement Application	\$ 161.00	\$ 150.00	\$ 6.00	\$ 5.00	
Supervisor Status Application	\$ 54.00 \$ 50.00	\$ 50.00	\$ 4.00		
Professional Counselors					
LPC Associate/LPC/Provisional License Application	\$ 221.00	\$ 210.00	\$ 6.00	\$ 5.00	
Supervisor Status Application	\$ 54.00 \$ 50.00	\$ 50.00	\$ 4.00		
Art Therapy Designation	\$ 20.00	\$ 20.00			

Figure: 22 TAC §885.1

Psychologists/Psychological Associates/Specialists in School Psychology					
LPA Application	\$ 333.00 \$ 325.00	\$ 320.00	\$ 8.00	\$ 5.00	
LP Application	\$ 460.00 \$ 450.00	\$ 445.00	\$ 10.00	\$ 5.00	
LP License Issuance Fee	\$ 391.00 \$ 381.00	\$ 381.00	\$ 10.00		
LSSP Application	\$ 288.00 \$ 280.00	\$ 275.00	\$ 8.00	\$ 5.00	
Temporary License Application	\$ 103.00 \$ 100.00	\$ 100.00	\$ 3.00		
RENEWAL FEES					
Social Workers					
LBSW/LMSW Renewal	\$ 141.00	\$ 135.00	\$ 4.00	\$ 2.00	
LMSW-AP/LCSW Renewal	\$ 163.00	\$ 155.00	\$ 6.00	\$ 2.00	
Additional Renewal Fee for Independent Practice Recognition	\$ 20.00	\$ 20.00			
Additional Renewal Fee for Supervisor Status	\$ 50.00	\$ 50.00			
Marriage and Family Therapists					
LMFT/LMFT Associate Renewal	\$ 141.00	\$ 135.00	\$ 4.00	\$ 2.00	
Additional Renewal Fee for Supervisor Status	\$ 50.00	\$ 50.00			
LMFT Associate Extension	\$ 141.00	\$ 135.00	\$ 4.00	\$ 2.00	
Professional Counselors					
LPC Renewal	\$ 141.00	\$ 135.00	\$ 4.00	\$ 2.00	
Additional Renewal Fee for Supervisor Status	\$ 50.00	\$ 50.00			
Psychologists/Psychological Associates/Specialists in School Psychology					
LPA Renewal	\$ 238.00	\$ 230.00	\$ 6.00	\$ 2.00	
LP Renewal	\$ 424.00	\$ 412.00	\$ 10.00	\$ 2.00	
LSSP Renewal	\$ 141.00	\$ 135.00	\$ 4.00	\$ 2.00	

Figure: 22 TAC §885.1

Over 70 Renewal - Applicable only to licensees who turned 70 by 8/31/2020	\$ 26.00	\$ 20.00	\$ 4.00	\$ 2.00	
Additional Renewal Fee for HSP Designation	\$ 40.00	\$ 40.00			
EXAMINATION FEES					
Social Workers					
Jurisprudence Exam	\$ 39.00	\$ 5.00			\$ 34.00
Marriage and Family Therapists					
Jurisprudence Exam	\$ 39.00	\$ 5.00			\$ 34.00
Professional Counselors					
Jurisprudence Exam	\$ 39.00	\$ 5.00			\$ 34.00
Psychologists/Psychological Associates/Specialists in School Psychology					
Jurisprudence Exam	\$ 39.00	\$ 5.00			\$ 34.00
MISCELLANEOUS FEES					
Duplicate Renewal Permit or License	\$ 10.00	\$ 8.00	\$ 2.00		
Written Verification of Licensure	\$ 10.00				
Written State to State Verification of Licensure	\$ 50.00				
Mailing List	\$ 10.00	\$ 8.00	\$ 2.00		
Returned Check Fee	\$ 25.00				
Criminal History Evaluation	\$ 154.00 \$ 150.00	\$ 150.00	\$ 4.00		
Reinstatement of License	\$ 510.00 \$ 500.00	\$ 500.00	\$ 10.00		
Request for Inactive Status	\$ 106.00	\$ 100.00	\$ 4.00	\$ 2.00	
Inactive Status Renewal (biennial)	\$ 106.00	\$ 100.00	\$ 4.00	\$ 2.00	
Request to Reactivate License from Inactive Status	equal to current renewal fee				

Figure: 22 TAC §885.1

Late fee for license expired 90 days or less	equal to 1.5 times the base renewal fee (<u>plus applicable Texas.gov and OPP fees</u>)	
Late fee for license expired more than 90 days, but less than one year	equal to 2 times the base renewal fee (<u>plus applicable Texas.gov and OPP fees</u>)	