

Texas State Board of Examiners of Marriage and Family Therapists

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

The October 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 **The Hope Center, 301 Beech Street, Second Floor, Abilene, Texas 79601**. This location will be open to the public, but seating is limited to first come, first served.

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/85670290845> into their web browser. Telephone access numbers and additional videoconference call access information can be found in the attached addendum. An electronic copy of the agenda and meeting materials will be made available at www.bhec.texas.gov prior to the meeting. A recording of the meeting will be made available on the Council's YouTube channel after the meeting is adjourned. To obtain a copy of the recording, please contact the Council's public information officer at Open.Records@bhec.texas.gov.

For members of the public wishing to give public comment, once the public comment item is reached on the agenda after the meeting convenes, the presiding member will allow those who are attending in person to give public comment first and then ask those joining by computer to use the "raise hand" feature to indicate who would like to make a public comment. Those individuals who raise their hand will then be unmuted to give public comment. Once all of the individuals with raised hands have been given an opportunity to make public comment, the individuals appearing by telephone will be unmuted and asked whether they would like to make a public comment. Please note that public comment is not intended for a discussion or a question-and-answer session with the board 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 by email through our [Contact Us](#) webpage in advance of the meeting. To submit an email simply click on the "[Email Us](#)" link on that page and select "Submission of Public Comment for Proposed Rule(s) or Open Meeting" from the drop-down menu. Please use the 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, 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, OCTOBER 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 July 22, 2022, 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. Discussion and possible action to re-elect or replace public member delegate to the Texas Behavioral Health Executive Council per Texas Occupations Code §507.051 *Executive Council Membership*, George Francis, IV, MBA, whose term as delegate expires February 1, 2023, per Title 22 of the Texas Administrative Code §881.4, *Council Member Terms*.
11. 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.
12. Discussion and possible action regarding Rules Committee's request for Board approval to informally gather stakeholder input concerning crisis intervention experience and related continuing education.
13. Discussion and possible action concerning recommendations from the August 26, 2022 Rules Committee meeting, including
 - A. New rule in Title 22 of the Texas Administrative Code (22 TAC), §801.201 *Temporary License*: to create a temporary Texas license for marriage and family therapists who are licensed to practice independently in another jurisdiction.
 - B. Changes to 22 TAC §801.202 *LMFT Associate License*: to alter terms of LMFT Associate license, such that license is valid for five years, may not be renewed, and does not require continuing education.
14. Discussion and possible action regarding staff recommendations for changes to 22 TAC
 - A. §801.142 *Supervised Clinical Experience Requirements and Conditions*: to allow doctoral program students to count supervised experience hours toward licensure requirements when obtained after the conferral of their master's degree that meets licensure requirements.
 - B. §801.261 *Requirements for Continuing Education*: to expand list of providers from which licensees must obtain at least 50% of their continuing education hours to include "a hospital or hospital system, including any clinic, division, or department within a hospital or hospital system" and to add effective date for subsection (f) as January 1, 2024.
15. Discussion and possible action concerning public comment on proposed rules published in August 5, 2022 *Texas Register* regarding 22 TAC:
 - A. §801.2 *Definitions*: to add a definition for direct clinical services to couples or families for the purpose of providing greater clarity in the rules.
 - B. §801.43 *Professional Representation*: to clarify how supervisees must represent themselves to clients and the public.
 - C. §801.302 *Severity Level and Sanction Guide*: to clarify and simplify the guide by combining levels 2 and 3 into a suspension for any amount of time. Additionally, the possible penalty

amount for a suspension is increased to a maximum of \$5,000 to align with Occupations Code Section 507.352.

- D. §801.305 *Schedule of Sanctions*: to replace the current schedule of sanctions and make it easier to use, including a few substantive changes, such that rules that are currently split between an extended and moderate suspension are proposed to be a Level 2 suspension which aligns with the proposed changes to §801.302, which combines the two suspension levels into one, see §§801.44(t) and (v), 801.47, and 801.57(e). Additionally, typographical errors are being corrected with this proposed change and the sanction for 801.47 is now split into subsections (a) and (b), which are a suspension and revocation respectively. And §801.44(s) - (v) have been updated to correspond more accurately to the correct rule and sanction. Lastly, in the April 22, 2022, edition of the *Texas Register*, §801.143(h) - (l) were proposed to be amended so corresponding amendments have been made to match those previously proposed changes.
16. Discussion regarding whether an individual who is dually licensed as an LPC Associate and LMFT Associate and under the supervision of an individual dually licensed as an LPC-Supervisor and LMFT-Supervisor, may use the same supervised experience toward the full (LPC and LMFT) license requirements.
 17. 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.
 18. 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.
 19. Report from the Board's Delegates to the Texas Behavioral Health Executive Council regarding the activities of the Executive Council, including
 - A. The Council published proposed rules in the August 5, 2023 *Texas Register* [[47 TexReg 4632](#)], affecting 22 TAC §885.1 *Executive Council Fees*: to act on October 8, 2019, letter from Governor Abbott, instructing agencies to reduce license applications fees to 75% or less of the national average, whenever possible. The proposed rules maintain the current fee schedule until September 1, 2023. The delayed effective date for new fees is to provide all interested parties the opportunity to comment.
 - B. The Council's rulemaking actions taken at its August 23, 2022 meeting.
 - C. Other Council updates.
 20. 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.
 21. Discussion and possible action regarding future priorities and activities of the Board.
 22. Public Comment.
 23. Announcements and comments not requiring Board action, such as statements regarding conferences and other recent or upcoming events.
 24. 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
[Click here](#) and select "Administration and Executive Leadership" from the drop-down menu to send an email.

Addendum: Additional Videoconference and Telephone Conference Call Information

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

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

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85670290845>

Or One tap mobile :

US: +13462487799,,85670290845# or +17193594580,,85670290845#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 346 248 7799 or +1 719 359 4580 or +1 253 215 8782 or +1 669 444 9171 or +1 669 900 9128 or +1 309 205 3325 or +1 312 626 6799 or +1 386 347 5053 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931 3860 or +1 301 715 8592

Webinar ID: 856 7029 0845

International numbers available: <https://us02web.zoom.us/j/85670290845>

COMPLAINT NO. 1062-20-0036

IN THE MATTER OF

DIANA CARLETON

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BEFORE THE TEXAS BEHAVIORAL
HEALTH EXECUTIVE COUNCIL

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 Diana Carleton ("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 (#3081) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. From on or about June 3, 2019 to on or about February 1, 2020, Respondent aided and abetted the unlicensed practice of marriage and family therapy.

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 Council Rule 801.44(t).
4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but

agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent is assessed and shall pay, within thirty (30) days of the date this order is ratified, an administrative penalty in the total amount of \$750.00; of which \$700.00 represents administrative costs and \$50.00 represents administrative penalty.
2. Pursuant to Rule 801.143(k) Respondent's status as a supervisor is hereby revoked. Once the terms of this order have been completed Respondent may then reapply for supervisor status. Respondent must meet all applicable licensure rules and requirements at the time of reapplication for supervisor status, the fact that Respondent previously held supervisor status does not guarantee Respondent's future application will be approved.

WARNING

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

WAIVERS

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

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

FOR THE RESPONDENT:

FOR THE STAFF OF THE COUNCIL:

Diana Carleton

Diana Carleton
Marriage and Family Therapist
License #3081

Brian Clark

Brian Clark
Texas Bar No. 24099457
Staff Attorney
Texas Behavioral Health Executive Council
1801 Congress Ave., Suite 7.300
Austin, Texas 78701

DATE SIGNED: 7-13-2022

DATE SIGNED: 7/21/22

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

Darrel Spinks

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 1062-20-0055

IN THE MATTER OF

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**BEFORE THE TEXAS BEHAVIORAL
HEALTH EXECUTIVE COUNCIL**

REBECCA MCMURRAY

**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 Rebecca McMurray (“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 (#5164) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. On or around January 2020, Respondent provided therapy to a minor client without getting the consent of both parents as required by a court order.

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 Council Rule 801.48(c).
4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but

agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent's license is hereby REPRIMANDED.
2. Respondent is assessed and shall pay, within thirty (90) days of the date this order is ratified, an administrative penalty in the total amount of \$750.00; of which \$700.00 represents administrative costs and \$50.00 represents administrative penalty.
3. Respondent, within thirty (30) days of the date this order is ratified, shall complete and submit proof of completion of three (3) hours of professional development relating to ethics. This professional development is in addition to the professional development hours required for license renewal. Respondent will pay all costs of the coursework.
4. Pursuant to Rule 801.143(k) Respondent's status as a supervisor is hereby revoked. Once the terms of this order have been completed Respondent may then reapply for supervisor status. Respondent must meet all applicable licensure rules and requirements at the time of reapplication for supervisor status, the fact that Respondent previously held supervisor status does not guarantee Respondent's future application will be approved.

WARNING

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

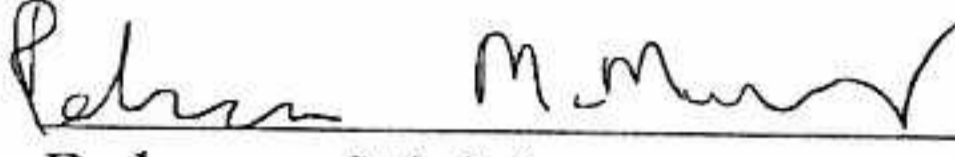
WAIVERS

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

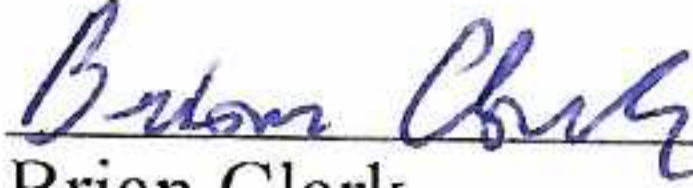
THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES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

FOR THE RESPONDENT:

FOR THE STAFF OF THE COUNCIL:



Rebecca McMurray
Marriage and Family Therapist
License #5164




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

07/01/2022
DATE SIGNED: _____

DATE SIGNED: 7/13/22

APPROVED, RATIFIED, AND ENTERED THIS 13 DAY OF July, 2022.



Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

STATUS REPORT 4th Quarter	4Q FY22 June 1, 2022 to Aug 31, 2022	3Q FY22 Mar 1, 2022 to May 31, 2022	2Q FY22 Dec 1, 2021 to Feb 28, 2022	1Q FY22 Sep 1, 2021 to Nov 30, 2021
Number of Pending Complaints	467	532	594	579
Pending Complaints per Member Board	TSBEP-188 TSBSWE-169 TSBEMFT-30 TSBEP-80	TSBEP-235 TSBSWE-181 TSBEMFT-43 TSBEP-73	TSBEP-291 TSBSWE-171 TSBEMFT-54 TSBEP-78	TSBEP-266 TSBSWE-191 TSBEMFT-54 TSBEP-68
Number of New Complaints Received	159	164	105	148
Pending Priority 1 Cases (Imminent Physical Harm)	1 TSBEP-1 TSBSWE-0 TSBEMFT-0 TSBEP-0	TSBEP-0 TSBSWE-1 TSBEMFT-0 TSBEP-0	TSBEP-2 TSBSWE-1 TSBEMFT-1 TSBEP-0	6 TSBEP-2 TSBSWE-3 TSBEMFT-1 TSBEP-0
Pending Priority 2 Cases (Sexual Misconduct)	59 TSBEP-33 TSBSWE-19 TSBEMFT-4 TSBEP-3	TSBEP-28 TSBSWE-26 TSBEMFT-0 TSBEP-3	TSBEP-25 TSBSWE-24 TSBEMFT-1 TSBEP-3	52 TSBEP-24 TSBSWE-24 TSBEMFT-2 TSBEP-2
Pending Priority 3 Cases (Applicants)	19 TSBEP-7 TSBSWE-10 TSBEMFT-1 TSBEP-1	TSBEP-4 TSBSWE-8 TSBEMFT-0 TSBEP-0	TSBEP-4 TSBSWE-8 TSBEMFT-1 TSBEP-2	11 TSBEP-1 TSBSWE-6 TSBEMFT-2 TSBEP-2
Cases Resolved this Quarter	226	226	88	197
Agreed Orders Signed	19	25	9	15
Cases Dismissed by Staff	207	201	79	182
Cases Dismissed by member Boards	0	0	0	0
Cases Reviewed at an ISC this Quarter	16	17	3	22
Pending Cases by Fiscal Year				
FY2015	0	1	1	2
FY2016	3	3	3	5
FY2017	4	4	8	11
FY2018	0	2	6	8
FY2019	3	14	35	56
FY2020	44	82	167	199
FY2021	80	111	153	163
FY2022	333	315	221	135
Total	467	532	594	579

Rule: §801.201. Temporary License.

Action: Proposed New Rule

Comment: The proposed new rule creates a temporary Texas license for marriage and family therapists who are licensed to practice independently in another jurisdiction. Temporary license holders are allowed to use this license for up to 30 days within one year from the date of issuance, and the 30 days are not required to be consecutive. Temporary license holders are required to report the use of this license after utilizing the full thirty days or the expiration of one year from licensure, whichever occurs first.

§801.201. Temporary License.

- (a) A temporary license may be issued to an applicant seeking to practice in this state for a limited time and purpose. To be eligible for temporary licensure, an applicant must:
 - (1) submit a completed application for temporary licensure, setting forth a brief description of the type of marriage and family therapy services to be provided;
 - (2) pay the application fee;
 - (3) submit proof that the applicant is actively licensed, certified, or registered to practice independently, without supervision, as a marriage and family therapist by another jurisdiction; and
 - (4) submit documentation indicating that the applicant is in good standing with that jurisdiction;
- (b) Applicants meeting the requirements for temporary licensure shall be granted a temporary license authorizing the delivery of marriage and family therapy services for no more than thirty days. Upon utilization of the full thirty days, or the expiration of one year from the date of licensure, whichever occurs first, the temporary license shall expire.
- (c) Upon utilization of the full thirty days, or the expiration of one year from the date of licensure, whichever occurs first, the temporary licensee must submit written notification to the Council of the dates the licensee delivered marriage and family therapy services in this state.
- (d) Temporary licensees are subject to all applicable laws governing the practice of marriage and family therapy in this state, including the Licensed Marriage and Family Therapist Act and Council rules.
- (e) An applicant for permanent licensure in this state is not eligible for temporary licensure. Upon receipt of an application for permanent

licensure by a temporary license holder, any temporary license held by an applicant shall expire without further action or notice by the Council.

- (f) A temporary license holder may not receive another temporary license until the expiration of one year from the date of issuance of their last temporary license, regardless of whether that license is active or expired.

Rule: 801.202. LMFT Associate license

Action: Proposed Amendment

Comment: These amendments change the LMFT Associate license to a five year non-renewable term, similar to the LPC Associate license structure.

§801.202. LMFT Associate license

- (a) An LMFT Associate license will expire 60 months from the date of issuance. The initial LMFT Associate license will be issued for a period of 24 months and may be renewed biennially for a period not to exceed a total of 72 months.
- (b) An LMFT Associate who does not complete the required supervised experience hours during the 60-month time period must reapply for licensure. An LMFT Associate who has held the LMFT Associate license for 72 months and submitted documentation to the council to satisfy all minimum requirements for LMFT licensure, except the 500 hour requirement set in §801.142(1)(B) of this title (relating to Supervised Clinical Experience Requirements and Conditions) and requiring at least 500 hours of direct clinical services to couples or families, may renew his or her LMFT Associate license only once more (not exceeding 96 months of licensure as an LMFT Associate).
- (c) As of the effective date of this rule, all active LMFT Associate licenses shall be converted to a 60-month licensure term, with a new expiration date set 60 months after the effective date of this rule. An LMFT Associate who has held the LMFT Associate license for 72 months (or 96 months if subsection (b) of this section applies) and has not met the minimum requirements for LMFT licensure, may not renew but must reapply for the LMFT Associate license, meeting all current application requirements and passing the national licensure examination no more than six months before the date the application is received.

Rule: 801.142. Supervised Clinical Experience Requirements and Conditions

Action: Proposed Amendment

Comment: The proposed amendment adds new subsection (10) which allows for students in doctoral programs to count supervised experience hours toward licensure requirements when obtained after the conferral of their master's degree that meets licensure requirements.

Current proposed changes – These amendments correct typographical errors.

§801.142. Supervised Clinical Experience Requirements and Conditions

An applicant for LMFT must complete supervised clinical experience acceptable to the council.

- (1) The LMFT Associate must have completed a minimum of two years of work experience in marriage and family therapy, which includes a minimum of 3,000 hours of supervised clinical practice. The required 3,000 must include:
 - (A) at least 1,500 hours providing direct clinical services, of which:
 - (i) no more than 500 hours may be provided via technology-assisted services (as approved by the supervisor); and
 - (ii) at least 500 hours must be providing direct clinical services to couples or families.
 - (B) of the 200 hours of council-approved supervision, as defined in §801.2 of this title (relating to Definitions), of which:
 - (i) at least 100 hours must be individual supervision; and
 - (ii) no more than 50 hours may be provided by telephonic services, but there is no limit for hours by **live lived** video.
- (2) The remaining required hours, not covered by subsection (1) above, may come from related experiences, including workshops, public relations, writing case notes, consulting with referral sources, etc.

- (3) An LMFT Associate, when providing services, must receive a minimum of one hour of supervision every week, except for good cause shown.
- (4) Staff may count graduate internship hours exceeding the requirements set in §801.114(b)(8) of this title (relating to Academic Course Content) toward the minimum requirement of at least 3,000 hours of supervised clinical practice under the following conditions.
 - (A) No more than 500 excess graduate internship hours, of which no more than 250 hours may be direct clinical services to couples or families, completed under a Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) accredited graduate program may be counted toward the minimum requirement of at least 3,000 hours of supervised clinical practice.
 - (B) No more than 400 excess graduate internship hours, of which no more than 200 hours may be direct clinical services to couples or families, completed under a non-COAMFTE-accredited graduate program may be counted toward the minimum requirement of at least 3,000 hours of supervised clinical practice.
 - (C) No more than 100 excess graduate internship supervision hours may be counted toward the minimum requirement of at least 200 hours of council-approved supervision.
- (5) An LMFT Associate may practice marriage and family therapy in any setting under supervision, such as a private practice, public or private agencies, hospitals, etc.
- (6) During the post-graduate, supervised clinical experience, both the supervisor and the LMFT Associate may have disciplinary actions taken against their licenses for violations of the Act, the Council Act, or council rules.
- (7) Within 30 days of the initiation of supervision, an LMFT Associate must submit to the council a Supervisory Agreement Form for each council approved supervisor.
- (8) An LMFT Associate may have no more than two council-approved supervisors at a time, unless given prior approval by the council or its designee.

- (9) Except as specified in paragraph (4) ~~(2)~~ of this section, hours of supervision and supervised clinical experience accrued toward an out-of-state LMFT license may be accepted only by endorsement.
- (A) The applicant must ensure supervision and supervised experience accrued in another jurisdiction is verified by the jurisdiction in which it occurred and that the other jurisdiction provides verification of supervision to the council.
- (B) If an applicant has been licensed as an LMFT in another United States jurisdiction for the two years immediately preceding the date the application is received, the supervised clinical experience requirements are considered met. If licensed for any other two-year period, the application will be reviewed to determine whether clinical experience requirements have been met in accordance with council rules, 22 Texas Administrative Code, §882.1 (relating to Application Process).

(10) Applicants with a master’s degree that qualifies under §§801.112 and 801.113 may count any supervision and experience (e.g., practicum, internship, externship) completed after conferral of the master’s degree and as part of a doctoral program, toward the supervision and experience requirements set out in §801.142. A doctoral program must lead to a degree that qualifies under §§801.112 and 801.113 before the Council will award credit for supervision and experience under this provision.

Rule: 801.261. Requirements for Continuing Education

Action: Proposed Amendment

Comment: The amendments to this rule add hospitals and hospital systems to subsection (f), and makes the effective date of subsection (f) January 1, 2024.

§801.261. Requirements for Continuing Education.

(a) Minimum Continuing Education Hours Required

(1) An 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) An 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) of this section.

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

(2) A licensee with supervisory status must take and pass the jurisprudence examination. One hour of continuing education in ethics may be claimed for passing the jurisprudence examination.

(3) 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

(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.

Commented [SF1]: If MFT Board recommends publication of proposed changes 801.202, such that LMFT Assoc converts to 5-yr license, provision in (a)(2) should be repealed.

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- (e) Acceptable Continuing Education Activities.
 - (1) All continuing education hours must have been received during the renewal period unless allowed under subsection (a)(3) of this section, 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) if this section, all continuing education hours obtained must be designated by the provider in a letter, email, certificate, or transcript that displays the licensee's name, topic covered, date(s) of training, and hours of credit earned.
 - (4) Multiple instances or occurrences of a continuing education activity may not be claimed for the same renewal period.
- (f) Licensees must obtain at least fifty percent of their continuing education hours from one or more of the following providers:
 - (1) an international, national, regional, state, or local association of medical, mental, or behavioral health professionals;
 - (2) public school districts, charter schools, or education service centers;
 - (3) city, county, state, or federal governmental entities;
 - (4) an institution of higher education accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation, the Texas Higher Education Coordinating Board, or the United States Department of Education;
 - (5) religious or charitable organizations devoted to improving the mental or behavioral health of individuals;
 - (6) A graduate-level with supervisor status; ~~or~~
 - (7) a hospital or hospital system, including any clinic, division, or department within a hospital or hospital system; or
 - (8)~~(7)~~ any provider approved or endorsed by a provider listed herein.
- (g) Licensees shall receive credit for continuing education activities according to the number of hours designated by the provider, or if no such designation, on a one-for-one basis with one credit hour for each hour spent in the continuing education activity.
- (h) Notwithstanding subsection (f) above, licensees may claim continuing education credit for each of the following activities:
 - (1) Passage of the jurisprudence examination. Licensees who pass the jurisprudence examination may claim 1 hour of continuing education in ethics.
 - (2) Preparing and giving a presentation at a continuing education activity. The maximum number of hours that may be claimed for this activity is 5 hours.
 - (3) Authoring a book or peer reviewed article. The maximum number of hours that may be claimed for this activity is 5 hours.

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- (4) Teaching or attending a graduate level course. The maximum number of hours that may be claimed for this activity is 5 hours.
- (5) Self-study. The maximum number of hours that may be claimed for this activity is 1 hour. Self-study is credit that is obtained from any type of activity that is performed by an individual licensee acting alone. Such activities include, but are not limited to, reading materials directly related to the practice of marriage and family therapy. Time spent individually viewing or listening to audio, video, digital, or print media as part of an organized continuing education activity, program, or offering from a third-party is not subject to this self-study limitation and may count as acceptable education under other parts of this rule.
- (6) Successful completion of a training course on human trafficking prevention described by §116.002 of the Occupations Code. Licensees who complete this training may claim 1 hour of continuing education credit.
 - (i) The Council does not pre-evaluate or pre-approve continuing education providers or hours.
 - (j) Licensees shall maintain proof of continuing education compliance for a minimum of 3 years after the applicable renewal period.
 - (k) Subsection (f) of this rule is effective January 1, 2024.

Rule: 801.2. Definitions

Action: Proposed Amendment

Comment: The proposed amendment adds a definition for direct clinical services to couples or family for the purpose of providing greater clarity in the rules.

§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) Direct clinical services to couples or family--professional services provided to couples or families in which a clinician delivers therapeutic services with two or more individuals simultaneously or two or more individuals from the same family system within the same therapeutic session. Individuals must share an ongoing relationship beyond that which occurs in the therapeutic experience itself. Examples of ongoing relationships include family systems, couple systems, enduring friendship/community support systems, and residential, treatment or situationally connected systems.

~~(9)~~(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.

~~(10)~~(9) Executive director--the executive director for the Texas Behavioral Health Executive Council.

~~(11)~~(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.

~~(12)~~(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.

~~(13)~~(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.

~~(14)~~(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.

~~(15)~~(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.

~~(16)~~(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.

~~(17)~~(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. 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.

(18)~~(17)~~ Licensee--Any person licensed by the council.

(19)~~(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.

(20)~~(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.

(21)~~(20)~~ Month--A calendar month.

(22)~~(21)~~ Person--An individual, corporation, partnership, or other legal entity.

(23)~~(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.

(24)~~(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).

(25)~~(24)~~ Supervision hour--50 minutes.

(26)~~(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.

(27)~~(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.

(28)~~(27)~~ Therapist--A person who holds a license issued by the council.

(29)~~(28)~~ Waiver--The suspension of educational, professional, or examination requirements for an applicant who meets licensing requirements under special conditions.

Rule: 801.43. Professional Representation.

Action: Proposed Amendment

Comment: The proposed amendment clarifies how supervisees must represent themselves to clients and the public.

801.43. Professional Representation.

- (a) A licensee is subject to and bound by provisions of the Act, the Council Act, and council rules.
- (b) A licensee that becomes aware of another licensee violating state or federal law within the jurisdiction of the Council, may attempt to resolve the violation informally with the other licensee if the violation does not involve actual or likely harm to an individual or the public. Any unresolved violations must be reported to the Council. A licensee that becomes aware of another licensee violating a state or federal law within the jurisdiction of the Council involving actual or likely harm to an individual or the public, must report the violation to the Council.
- (c) Licensure and Supervisory Status
 - (1) When providing professional therapeutic services as defined in §801.42 of this title (relating to Professional Therapeutic Services), a licensee must indicate his or her licensure status as an LMFT or LMFT Associate, including any probationary status or other restrictions placed on the licensee by the council.
 - (2) An LMFT Associate must not represent himself as an independent practitioner. An LMFT Associate's name must be followed by a statement such as "supervised by (name of supervisor)" or a statement of similar effect, together with the name of the supervisor. This disclosure must appear on all marketing materials, billing documents, and practice related forms and documents where the LMFT Associate's name appears, including websites and intake documents. This paragraph is effective January 1, 2023.
- (d) A licensee may not make any false, misleading, deceptive, fraudulent or exaggerated claim or statement about the licensee's services, including:
 - (1) the effectiveness of services;

- (2) the licensee's qualifications, capabilities, background, training, education, experience, professional affiliations, fees, products, or publications; or
 - (3) the practice of marriage and family therapy.
- (e) A licensee may not misrepresent any agency or organization by presenting it as having attributes that it does not possess.
 - (f) A licensee may not encourage, or within the licensee's power, allow a client to hold exaggerated ideas about the efficacy of services provided by the licensee.
 - (g) If a licensee learns of a misrepresentation, exaggerated, false, deceptive, or fraudulent claim or statement made by another, the licensee must take reasonable action to correct the misrepresentation, claim or statement.

Rule: 801.302. Severity Level and Sanction Guide.

Action: Proposed Amended Rule

Comment: This amended rule is proposed to make the rule clearer and simplify the guide by combining levels 2 and 3 into a suspension for any amount of time. Additionally, the possible penalty amount for a suspension is increased to a maximum of \$5,000.

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

- (1) Level One--Revocation of license with a possible administrative penalty from \$500 to \$5,000. These violations evidence intentional or gross misconduct on the part of the licensee or cause or pose a high degree of harm to the public or may require severe punishment as a deterrent to the licensee, or other licensees.
- (2) Level Two--~~Extended~~ suspension of license with a possible administrative penalty from \$250 to ~~\$5,000~~\$2,500. These violations involve less misconduct, harm, or need for deterrence than Level One violations, but may require suspension ~~termination~~ of licensure for a period of time ~~not less than one year~~.
- ~~(3) Level Three--Moderate suspension of license with a possible administrative penalty of no more than \$250. These violations are less serious than Level Two violations, but may require termination of licensure for a period of time that is less than a year.~~
- ~~(3)~~(4) Level ~~Three~~ Four--Probated suspension of licensure. These violations do not involve enough harm, misconduct, or need for deterrence to warrant suspension ~~termination~~ of licensure, yet are severe enough to warrant monitoring of the licensee to ensure future compliance. Probationary terms may be ordered as appropriate.
- ~~(4)~~(5) Level ~~Four~~ Five--Reprimand. These violations involve inadvertent or relatively minor misconduct or rule violations not directly involving the health, safety and welfare of the public.
- ~~(5)~~(6) An administrative penalty may be assessed for any violation, in lieu of, or in addition to, other disciplinary actions.

Rule: 801.305. Schedule of Sanctions.

Action: Proposed New Rule

Comment: This new rule has been proposed to make the format of the schedule of sanctions easier to use and standardized between the other Boards. There are a few substantive changes being proposed to the schedule currently in effect. Rules that are currently split between an extended and moderate suspension are proposed to be a Level 2 suspension which aligns with the proposed changes to §801.302, which combines the two suspension levels into one, see §§801.44(t) and (v), 801.47, and 801.57(e). Additionally, a few typographical errors are being corrected with this proposed change, the sanction for 801.47 is now split into subsections (a) and (b) which are a suspension and revocation respectively. And §801.44(s) – (v) have been updated to correspond more accurately to the correct rule and sanction.

§801.305. Schedule of Sanctions.

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

Figure: 22 TAC §801.305

Rule	Level 1: Revocation	Level 2: Suspension	Level 3: Probated Suspension	Level 4: Reprimand
801.43(b)				X
801.43(c)				X
801.43(d)				X
801.43(g)				X
801.44(a)				X
801.44(b)				X
801.44(c)				X
801.44(d)				X
801.44(e)		X		
801.44(f)			X	
801.44(g)			X	
801.44(h)				X
801.44(i)				X
801.44(k)				X
801.44(l)				X
801.44(m)				X
801.44(n)			X	X
801.44(o)				X

801.44(p)			X	
801.44(q)			X	
801.44(s)				X
801.44(t)		X		
801.44(u)				X
801.44(v)		X		
801.45(b)	X			
801.45(c)	X			
801.45(d)	X			
801.46(a)				X
801.46(c)			X	
801.47(a)		X		
801.47(b)	X			
801.48(b)			X	
801.48(c)			X	
801.48(d)(1)-(3)			X	
801.48(d)(4)				X
801.48(e)				X
801.48(g)			X	
801.48(h)				X
801.50				X
801.53(a)				X
801.53(d)				X
801.53(e)				X
801.53(f)				X
801.53(g)				X
801.55(e)			X	
801.56(d)			X	
801.57(d)			X	
801.57(e)		X		
801.57(f)				X
801.57(g)			X	
801.58(d)				X
801.58(h)				X
801.58(i)			X	
801.143(b)				X
801.143(c)				X
801.143(d)				X
801.143(e)				X
801.143(f)(1)				X
801.143(f)(2)				X
801.143(f)(4)				X
801.143(f)(5)				X

801.143(i)				X
801.143(j)			X	
801.143(k)				X
801.143(l)			X	

16. Summary of Council's Activities

A. The Council published proposed rules in the August 5, 2023 *Texas Register* [[47 TexReg 4632](#)], affecting 22 TAC §885.1 *Executive Council Fees*: to act on October 8, 2019, letter from Governor Abbott, instructing agencies to reduce license applications fees to 75% or less of the national average, whenever possible. The proposed rules maintain the current fee schedule until September 1, 2023.

B. The Council's rulemaking actions taken at its August 23, 2022, meeting are as follows.

1. Proposed rules, affecting Title 22 of the Texas Administrative Code (22 TAC), were approved for publication.
 - a. §801.142 *Supervised Clinical Experience Requirements and Conditions* – to correct typographical errors; scheduled for publication in [September 30, 2022 Texas Register](#).
 - b. §801.143 *Supervisor Requirements* – to specify minimum standards for the 40-hour training required to apply for supervisor status; scheduled for publication in [October 7, 2022 Texas Register](#).
2. Adopted rules, affecting 22 TAC, were approved for publication. Adopted rules were published in the September 16, 2022, *Texas Register* and became [effective September 21, 2022](#).
 - a. §801.44 *Relationships with Clients* – to require licensees to 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, even in emerging areas in which generally recognized standards for preparatory training do not exist.
 - b. § 801.58 *Technology-Assisted Services* – to move continuing education (CE) requirement to new §801.261 *Requirements for Continuing Education*.
 - c. §801.143 *Supervisor Requirements* – to move CE requirement to new §801.261.
 - d. §801.261 *Requirements for Continuing Education* – to consolidate all CE requirements into one section and to add and change some of the requirements for renewal.
 - e. § 801.263 *Requirements for Continuing Education* – repealed; see new §801.261.
 - f. §801.264 *Types of Acceptable Continuing Education* – repealed; see new §801.261.
 - g. §801.266 *Determination of Clock Hour Credits and Credit Hours Granted* – repealed; see new §801.261.
 - h. §882.2 *General Application File Requirements* – to reflect the agency's ability to receive digitally certified self-query reports from the National Practitioner Databank (NPDB).
 - i. §882.22 *Reinstatement of a License* – to reflect the agency's ability to receive digitally certified self-query reports from the NPDB and to clarify that only a full license can be reinstated, and a transitory license used to obtain required experience for full licensure cannot.
 - j. §884.20 *Disciplinary Guidelines and General Schedule of Sanctions* – to correct a typographical error

C. Other Council updates include but may not be limited to the following. A copy items 2 through 3 are in the Council's [August 23, 2022 Agenda and Public Meeting Materials.pdf](#), available from the Council's [Meeting Dates, Agendas, and Minutes webpage](#).

1. Policy on Authorized Travel by Council and Board Members
2. FY2022 Third Quarter Performance Measures and Calculations
3. FY2024-2025 Legislative Appropriations Request (LAR)
4. Estimates for Upgrading and Redesigning Council's website

POLICY ON AUTHORIZED TRAVEL BY COUNCIL AND BOARD MEMBERS

The Council has an annual budget for travel funds available for state agency purposes. As a result, Council and Board members are pre-approved to attend:

- meetings held under Chapter 551 of the Government Code;
- legislative or judicial hearings, if requested by the Presiding Member of the Council or Executive Director;
- training events or meetings with other agencies or government officials, if requested by the Presiding Member of the Council or Executive Director; and
- annual meetings of regulatory associations (e.g., ASPPB, AMFTRB, ASWB, AASCB) of which the board (or Council) is a voting member. Reimbursement for board member attendance is limited to one member per meeting.

However, no other agency-related travel expenses will be pre-approved or paid by direct payment by the agency. Members wanting to request reimbursement for other agency-related travel expenses must submit their requests to the Council or the Presiding Member of the Council. The Presiding Member may designate the Executive Director to receive any such requests on his or her behalf.

All requests for reimbursement must be submitted with appropriate supporting documentation. For example, the member must demonstrate each of the following:

- the travel expenses are reasonable and necessary;
- the purpose of the travel clearly involves state business and is consistent with the agency's legal authority; and
- if more than one board or council member will be attending this same event, the number of individuals traveling for the same or similar purpose are necessary to perform state business.

Subject to any applicable limitations, travel expenses may be approved for reimbursement either in whole or in part by the Council or its presiding member. An approval in part or denial by the presiding member is final and may not be appealed to the Council.

All agency travel arrangements and reimbursements must comply with the Travel Regulations Act (Chapter 660 of the Government Code), comptroller rules, travel provisions of the General Appropriations Act, the comptroller's Statewide Procurement Division contract requirements, and the policies and procedures adopted by the comptroller's office as well as the travel reimbursement guidelines promulgated by agency staff. These resources are intended to ensure the Council minimizes the amount of travel expenses paid or reimbursed by the agency and that each travel arrangement is the most cost effective considering all relevant circumstances.

ANNUAL PERFORMANCE MEASURES

FISCAL YEAR 2022

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

by

**Texas Behavioral Health Executive
Council**

October 4, 2022


Executive Director


Date

Outcomes with Cover Page and Update Explanation
 87th Regular Session, Performance Reporting
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 9/30/2022
 TIME: 8:39:16AM
 PAGE: 2 OF 2

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Objective/Measure	2022 Target	2022 YTD	Percent of Annual Target	Target Range
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1-1 ENSURE STANDARDS MET

1 % LICENSEES/NO VIOLATIONS	95.00 %	99.68 %	104.93 %	
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Prior YTD:

2-1 ENSURE COMPLIANCE

3 % COMPLAINTS RESOLVED - 6 MO.	15.00 %	30.00 %	200.00 % *	
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs. This was based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. Moreover, the high percentage of complaints resolved within 6 months for FY 22 (30%) was due to the staffing levels, dedication, and efficiency of the enforcement and legal staff.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

While the actual percentage of complaints resolved within 6 months for FY22 (30%) greatly exceeds the targets for both FY21 and FY22, the Council believes the target should remain at 15% for FY24-FY25. The Council reasonably believes it will continue to experience high employee turnover, similar to the 21.1% experienced in FY21, without additional funding for staff salaries and training. As such, the Council is concerned that it will not be able to exceed a target of 15% for this measure if the high turnover rates again begin to affect its enforcement and legal staff, the latter of which are at significant risk of turnover due to low salaries.

Prior YTD:

* Varies by 5% or more from target.

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2022 Target	2022 YTD	Percent of Annual Target
Explanatory/Input Measures			
<u>2-1-1 ENFORCEMENT</u>			
1 # OF COMPLAINTS	600.00	566.00	94.33 % *

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs. This was based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. The number of complaints received for FY 22 was 566, just 6% short of its target of 600.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The Council has no control over the number of complaints that will be submitted each year from the public, or if the ones submitted will be jurisdictional complaints. However, since the complaints received in FY22 were within 6% of the original target set, the Council did not request a change in its FY24-FY25 LAR.

* Varies by 5% or more from target.

TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL
4th QUARTER MEASURES
FY 2022

Number of Licenses Renewed (from ald12)

LSSP	496
LIC	676
LPA	92
LPC	2617
MFTA	28
MFT	377
LBSW	421
LMSW	1326
LCSW	1410
AP	14

Total 7457

Number of Licenses Issued (from ald11 and BO)

LPA	12
PLP	86
LIC	102
LSSP	179
LPCA	767
LPC	135
LPC Upgrade	429
MFTA	91
MFT	59
MFT Upgrade	36
LBSW	59
LMSW	590
LCSW	178
AMEC Upgrade	0
LMSW Upgrade	30
LCSW Upgrade	217
TEMP SW	14

Total 2984

TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL
4th QUARTER MEASURES
FY 2022

Number of Complaints Resolved (from BO report)

LP/LPA	21
LSSP	1
LPC	126
MFT	24
SW	47
Total	219

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

1 st Qtr	52/195 =	27%
2 nd Qtr	23/89 =	26%
3 rd Qtr	56/226 =	25%
4 th Qtr	87/219 =	40%
YTD	218/729 =	30%

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

1 st Qtr	15/195 =	8%
2 nd Qtr	9/89 =	11%
3 rd Qtr	25/226 =	11%
4 th Qtr	19/219 =	9%
YTD	68/729 =	10%

Average Time for Complaint Resolution (from BO report)

1 st Qtr	152,716 days to resolve 195 complaints =	783.16 days
2 nd Qtr	60,632 days to resolve 89 complaints =	681.26 days
3 rd Qtr	122,612 days to resolve 226 complaints =	542.53 days
4 th Qtr	87,362 days to resolve 219 complaints =	398.91 days
YTD	423,322 days to resolve 29 complaints =	580.69 days

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

1 st Qtr	130,155 days to process 2,393 applications =	54.39 days
2 nd Qtr	102,066 days to process 2,138 applications =	47.74 days
3 rd Qtr	89,892 days to process 2,240 applications =	40.13 days
4 th Qtr	113,928 days to process 2,881 applications =	39.55 days
YTD	436,041 days to process 9,652 applications =	45.18 days

Calculations reviewed by: David Zind
 Date: 9/29/22

LPA Initial	497 days to process 8 applications =	62.13
LPA Final	3877 days to process 12 applications =	323.09
Old LIC Final	1341 days to process 2 applications =	670.50
LIC Initial	3600 days to process 84 applications =	42.86
LIC Final	13835 days to process 102 applications =	135.64
LSSP	9338 days to process 179 applications =	52.17
LPC Initial	10785 days to process 135 applications =	79.89
LPCA Initial	29816 days to process 767 applications =	38.88
LPC Upgrade	2145 days to process 429 applications =	5.00
MFTA Exam	3406 days to process 16 applications =	212.88
MFTA License	4966 days to process 59 applications =	84.17
MFTA License	11507 days to process 91 applications =	126.45
MFTA Upgrade	344 days to process 36 applications =	9.56
SW License	18399 days to process 548 applications =	33.58
SW OOS License	18930 days to process 279 applications =	67.85
SW Upgrade	2791 days to process 247 applications =	11.30
Temp SW License	810 days to process 19 applications =	42.64

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

**TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL
ANNUAL MEASURES
FY 2022**

Number of Jurisdictional Complaints Received (from BO report)	566
Number of Complaints Pending (from BO report)	467
Closed	11
Investigation Completed	123
Under Investigation	333

Percent of Licensees With No Recent Violations

<i>Total</i>	<i>295 disciplinary actions</i>
<i>Less duplicates</i>	<i>-58 duplicates</i>
<i>Total unduplicated</i>	<i>237 disciplinary actions</i>

Number of individuals (unduplicated) licensed as of 8/31/2021: 74,233

$$74,233 - 237 = 73,996$$


$$73,996/74,233 = 99.68\%$$

Recidivism Rate

<i>Individuals with disciplinary actions FY 19 – FY 21</i>	<i>237</i>
<i>Individuals with 2 or more disciplinary actions</i>	<i>14</i>

$$14/237 = 5.91\%$$

Calculation Reviewed by:



9/29/22

Date:

4TH QUARTER PERFORMANCE MEASURES

FISCAL YEAR 2022

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

by

**Texas Behavioral Health Executive
Council**

October 4, 2022


Executive Director


Date

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
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Output Measures

1-1-1 LICENSING

1 # NEW LICENSEES ISSUED

Quarter 1	7,800.00	2,544.00	2,544.00	32.62 % *	1,560.00 - 2,340.00
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

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

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

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

* Varies by 5% or more from target.

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
-----------------------	-------------	-------------	----------	--------------------------	--------------

Output Measures

1 # NEW LICENSEES ISSUED

Quarter 2	7,800.00	2,205.00	4,749.00	60.88 % *	3,510.00 - 4,290.00
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

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

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

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

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
 87th Regular Session, Performance Reporting
 Automated Budget and Evaluation System of Texas (ABEST)

9/23/2022 12:52:45PM

Agency code: **510**

Agency name: **Behavioral Health Executive Council**

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

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

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

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

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

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
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9/23/2022 12:52:45PM

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Output Measures					
1 # NEW LICENSEES ISSUED					
Quarter 4	7,800.00	2,984.00	10,047.00	128.81 % *	7,410.00 - 8,190.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that it would issue 7,800 new licenses per fiscal year, or 1,950 per quarter. During the fourth quarter of FY 22, the agency exceeded its target by issuing 2,984 for the quarter, for a total of 10,047 YTD new licenses.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The number of new licenses issued each quarter continue to average around 2,350 due to the dedication and efficiency of the licensing staff and the significant workforce shortage of behavioral health providers. The Council believes that its initial projection was too low, and has requested this target be increased to 9,300 in its FY24-FY25 LAR.

2 # LICENSE RENEWALS

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
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 Automated Budget and Evaluation System of Texas (ABEST)

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Agency code: 510

Agency name: Behavioral Health Executive Council

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

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

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

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

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

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
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9/23/2022 12:52:45PM

Agency code: 510

Agency name: Behavioral Health Executive Council

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

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

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

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

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

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
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Agency code: 510

Agency name: Behavioral Health Executive Council

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

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

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

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

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

* Varies by 5% or more from target.

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Output Measures					
2 # LICENSE RENEWALS					
Quarter 4	42,000.00	7,457.00	28,605.00	68.11 % *	39,900.00 - 44,100.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that it would renew 42,000 licenses per fiscal year, or 10,500 per quarter. During the fourth quarter of FY 22, the agency fell short of its target, renewing 7,457 licenses for a total of 28,605 YTD license renewals.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

All license renewals are required to be submitted online and are approved automatically by the online licensing system, unless they are under audit or the agency hasn't received their fingerprint criminal history results. Licensing staff have little control over how many licensees will choose to renew their license, and therefore how many renewals get processed. The Council believes that its initial projection was too high, and has requested this target be lowered to 29,000 in its FY24-FY25 LAR.

2-1-1 ENFORCEMENT

1 COMPLAINTS RESOLVED

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
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Agency code: 510

Agency name: Behavioral Health Executive Council

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

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

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

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

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

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
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Agency code: 510

Agency name: Behavioral Health Executive Council

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

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

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

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

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

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
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Agency code: 510

Agency name: Behavioral Health Executive Council

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

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

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

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

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

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
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Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
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Output Measures

1 COMPLAINTS RESOLVED

Quarter 4	1,000.00	219.00	729.00	72.90 % *	950.00 - 1,050.00
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that it would resolve 1,000 complaints per fiscal year, or 250 per quarter. During the fourth quarter of FY 22, the agency was within 12% of this target by resolving 219 complaints. Total complaints resolved for FY22 was 749.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

At the beginning of FY 21, the agency inherited over 1,300 pending complaints. Due to the dedication and efficiency of the enforcement and legal staff, the pending complaints at the end of the third quarter of FY22 is down to 532. Additionally, the agency is projecting to receive around 500 complaints this year. The Council has requested this target be lowered to 400 in its FY24-FY25 LAR.

2 COMPLAINTS PENDING

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
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Agency code: 510

Agency name: Behavioral Health Executive Council

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

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

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

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

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

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
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Agency code: 510

Agency name: Behavioral Health Executive Council

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

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

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

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

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

* Varies by 5% or more from target.

Agency code: 510

Agency name: Behavioral Health Executive Council

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

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

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

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

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

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
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Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Output Measures					
2 COMPLAINTS PENDING					
Quarter 4	1,000.00	467.00	467.00	46.70 % *	950.00 - 1,050.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs. This was based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected that there would be 1,000 complaints pending during FY 2022. During the fourth quarter of FY 22, the agency bested this measure by only having 467 complaints pending.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The number of complaints pending at the beginning of FY 21 was over 1,300. This number has now decreased to 467, all in the scope of one year, due to the dedication and efficiency of the enforcement and legal staff. Additionally, the agency is projecting to only receive around 600 complaints this year. Due to these two factors, the Council believes that its initial projection of 1,000 complaints pending is too high for FY22, and has requested this target be lowered to 500 in its FY24-FY25 LAR.

Efficiency Measures

1-1-1 LICENSING

1 AVG TIME TO PROCESS APP (DAYS)

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
 87th Regular Session, Performance Reporting
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Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
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Efficiency Measures

1 AVG TIME TO PROCESS APP (DAYS)

Quarter 1	60.00	54.39	54.39	90.65 % *	57.00 - 63.00
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

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

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

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

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
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Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
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Efficiency Measures

1 AVG TIME TO PROCESS APP (DAYS)

Quarter 2	60.00	47.74	51.26	85.43 % *	57.00 - 63.00
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

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

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

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

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
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Agency code: 510

Agency name: Behavioral Health Executive Council

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

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

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

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

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

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
 87th Regular Session, Performance Reporting
 Automated Budget and Evaluation System of Texas (ABEST)

9/23/2022 12:52:45PM

Agency code: 510 Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
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Efficiency Measures

1 AVG TIME TO PROCESS APP (DAYS)

Quarter 4	60.00	39.55	45.18	75.30 % *	57.00 - 63.00
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs, based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected the average issuance time for licenses would be 60 days. In the fourth quarter of FY 22, the agency bested this measure by having an YTD average license issuance time of only 40 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for license issuance for FY 21 was 75 days. This number has now decreased to 46 days, all in the scope of one year, due to the dedication and efficiency of the licensing staff. The Council believes that its initial projection was correct, and that its target will continue to be met or beat assuming the Council is able to maintain full or close-to-full staffing levels. The Council has requested this target be lowered to 55 days in its FY24-FY25 LAR.

2-1-1 ENFORCEMENT

1 AVG TIME/COMPLAINT RESOLUTION

Quarter 1	750.00	783.16	783.16	104.42 %	712.50 - 787.50
Quarter 2	750.00	681.26	751.23	100.16 %	712.50 - 787.50

* Varies by 5% or more from target.

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Agency code: 510

Agency name: Behavioral Health Executive Council

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

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

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

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

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

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
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9/23/2022 12:52:45PM

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2022 Target	2022 Actual	2022 YTD	Percent of Annual Target	Target Range
Efficiency Measures					
1 AVG TIME/COMPLAINT RESOLUTION					
Quarter 4	750.00	398.91	580.69	77.43 % *	712.50 - 787.50

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

In its 2022-2023 LAR, the Council had to project targets that were representative of all four regulatory programs. This was based on limited information from the three HHSC programs, as these programs had no performance measures to account for under HHSC. For this specific measure, the Council projected the average processing time for complaints would be 750 days. In the fourth quarter of FY 22, the agency bested this measure by having an YTD average processing resolution time of 399 days, for a total year to date of 581 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for complaint resolution for FY 21 was 856 days. This number has now decreased to 581 days, all in the scope of one year, due to the dedication and efficiency of the enforcement and legal staff. The Council believes that its initial projection for FY 22 was reasonably accurate, and that this target will continue to be met or beat assuming the Council is able to maintain full or close-to-full staffing levels. The Council has requested this target be lowered to 500 in its FY24-FY25 LAR.

* Varies by 5% or more from target.

TEXAS STATE BOARD OF EXAMINERS OF MARRIAGE AND FAMILY THERAPISTS



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Guidelines for Technology-Assisted Services

The delivery of 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” [22 TAC §801.2] – is a rapidly expanding area. While the Council’s rules do not prohibit such services, it is important for licensees to be aware of several concerns about the delivery of services via remote or electronic means, including the following:

1. The increased potential that a therapist will have limited knowledge of a distant community’s resources in times of crisis.
2. Problems associated with obtaining informed consent.
3. The lack of standards for training providers in the use of technology as well as the special therapeutic considerations in the use of the medium.
4. The lack of vocal, visual, and other sensory cues.
5. The potential that equipment failures may lead to undue client anxiety.
6. The potential inability of clients, who are unfamiliar with technology, to adequately access and use the technology.
7. The lack of confidentiality and privacy.

It is important to remember that the Licensed Marriage and Family Therapist Act (the Act) and all other laws affecting the delivery of professional services apply to all professional services delivered anywhere within the state of Texas, regardless of how they are delivered.

Complaints received by the Council regarding technology-assisted services will be evaluated by the Council on a case-by-case basis, and the following general principles will be applied to any such complaints. However, these guidelines are not intended to conflict with, nor should they be construed to alter requirements for the delivery of technology-assisted services that have been established by exempt facilities such as the Veterans Administration.

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

The Council currently considers the use of technology-assisted services as an “emerging area” per Council rule 22 TAC §801.44(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 must 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.” This rule requires that licensees, who provide services in new areas or involving new techniques, do so only after undertaking appropriate study, training, supervision, and/or consultation from persons who are competent in those areas or techniques.

It is important for licensees considering such services to review the characteristics of the services, the service delivery method, and the provisions for confidentiality to ensure compliance with the Council rules, as well as federal and state law. Licensees should review [all Council rules](#), particularly [22 TAC §801.58 Technology-Assisted Services](#), for enforceable minimum standards of practice. Licensees are also encouraged to review the [Teletherapy & Telesupervision Guidelines II \(August 2021\)](#) published by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB), and incorporate those best practices where congruent with federal and state law.