

Texas State Board of Examiners of Marriage and Family Therapists

Board Meeting Agenda for
Friday, September 29, 2023, 1 p.m.

The September 29, 2023 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 in-person or via videoconference call, and the presiding officer will be physically present at **Abilene Christian University, Hunter Welcome Center, Reeves Alumni Conference Room, 1949 ACU Drive, 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/86502595126> 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 officer will allow those who are attending in person to give public comment first and then ask those joining by computer to use the "raise hand" feature to indicate who would like to make a public comment. Those individuals who raise their hand will then be unmuted to give public comment. Once all of the individuals with raised hands have been given an opportunity to make public comment, the individuals appearing by telephone will be unmuted and asked whether they would like to make a public comment. Please note that public comment is not intended for a discussion or a question-and-answer session with the Board. Additionally, when making a public comment, please identify yourself and whether you are speaking individually or on behalf of an organization. All public comments will be limited to 3 minutes, unless otherwise directed by the presiding officer. In lieu of providing public comment during the meeting, you may submit written public comments by clicking here: <https://forms.office.com/r/uu3CHZH0iv>. Only those written public comments received by 5pm on the last business day before 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, SEPTEMBER 29, 2023, 1 P.M.

(Merchant, Bartee, Elder, Francis, Parrish, Scoma, Smith, Stoglin)

1. Call meeting to order.
2. Approval of minutes of the July 21, 2023, 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 with report of compliance with agreed orders and FY 2023 enforcement report.
9. Report from Committee Chairs per Title 22 of the Texas Administrative Code, §801.11(f):
 - A. Report from Ethics Committee Chair Dr. Elder.
 - B. Report from Licensing Standards Committee Chair Dr. Merchant.
 - C. Report from Outreach Committee Chair Dr. Merchant.
 - D. Report from Professional Development Committee Chair Dr. Merchant.
 - E. Report from Rules Committee Chair Dr. Bartee.
10. Discussion and possible action concerning recommendations from the August 24, 2023 Outreach Committee meeting regarding Guide for Consumers (professional licensee vs. life coach).
11. Discussion and possible action concerning recommendations from the August 26, 2022 Rules Committee meeting and October 21, 2022 Board meeting, regarding new rule in Title 22 of the Texas Administrative Code, §801.201 *Temporary License*: to create a temporary Texas license for marriage and family therapists who are licensed to practice independently in another jurisdiction.
12. Discussion and possible action regarding Senate Bill 763, 88th Legislature, Regular Session, relating to allowing public schools to employ or accept as volunteers chaplains.
13. 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.
14. 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.
15. Report from the Board's Delegates to the Texas Behavioral Health Executive Council regarding the activities of the Executive Council, including
 - A. The Council's rulemaking actions taken at its August 15, 2023 meeting including adopted rules and
 - B. Proposed rules; and
 - C. Other Council updates.
16. 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.
17. Discussion and possible action to re-elect or replace Vice-Chair of the Texas State Board of Examiners of Marriage and Family Therapists - Rev. Dr. Anthony Scoma - pursuant to 22 Texas Administrative Code (TAC) §801.11, *The Board*.
18. Discussion and possible action regarding future priorities and activities of the Board.
19. Public Comment.
20. Announcements and comments not requiring Board action, such as statements regarding conferences and other recent or upcoming events.

21. 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
Visit BHEC's Contact Us webpage at <https://www.bhec.texas.gov/contact-us/index.html> and select
"Administration and Executive Leadership" from the drop-down menu to send an email.

Addendum: Additional Videoconference and Telephone Conference Call Information

When: Sep 29, 2023 01:00 PM Central Time (US and Canada)

Topic: Texas State Board of Examiners of Marriage and Family Therapists' September 29, 2023 meeting

Please click the link below to join the webinar: <https://us02web.zoom.us/j/86502595126>

Or One tap mobile :

+13462487799,,86502595126# US (Houston)

+17193594580,,86502595126# US

Or Telephone:

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

+1 346 248 7799 US (Houston)

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 669 444 9171 US

+1 669 900 9128 US (San Jose)

+1 646 931 3860 US

+1 689 278 1000 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 646 558 8656 US (New York)

Webinar ID: 865 0259 5126

International numbers available: <https://us02web.zoom.us/j/86502595126>

COMPLAINT NO. 2023-00090

IN THE MATTER OF

§
§
§
§
§
§
§
§

BEFORE THE TEXAS BEHAVIORAL
HEALTH EXECUTIVE COUNCIL.

THE TEXAS STATE BOARD
OF EXAMINERS OF
MARRIAGE AND FAMILY
THERAPISTS

RULESHA HART

AGREED ORDER FOR ELIGIBILITY

Pursuant to its authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order for Eligibility with the following Findings of Fact, Conclusions of Law, and Order of the Texas Behavioral Health Executive Council ("Council"), which have been approved and accepted by **Rulesha Hart** ("Respondent").

FINDINGS OF FACT

1. Respondent is licensed as a marriage and family therapist associate (#203916) and is currently an applicant for full licensure as a marriage and family therapist and is, therefore, subject to the jurisdiction of the Council under the Act.
2. From on or about August 3, 2020 to on or about December 9 2020, Respondent engaged in the practice of marriage and family therapy before her license was issued.

CONCLUSIONS OF LAW

1. Respondent voluntarily submitted an application to 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. Respondent's unlicensed practice constitutes a violation of Council Rule 882.23(a).
3. Based on the above-stated Findings of Fact, Respondent's application is subject to abatement for up to 180 days, pursuant to Council Rule §882.10, before the Council must render a decision upon the application.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

Respondent shall, within ninety (90) days of the effective date of this order and prior to the issuance of a license, do the following:

1. Respondent shall complete and submit proof of completion of six (6) hours of professional development relating to professional ethics. This professional development is in addition to the professional development hours required for license renewal. Respondent will pay all costs of the coursework.
2. Respondent is required to retake the jurisprudence exam.

In the event Respondent fails to comply with any term of this order required to be completed prior to licensure, Respondent's license application shall be denied, without further hearings, informal settlement procedures, or any right of appeal for judicial review, and the Council shall not consider a subsequent application for licensure from Respondent, and Respondent agrees not to apply for any new license from the Council for one year from the effective date of this order.

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

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

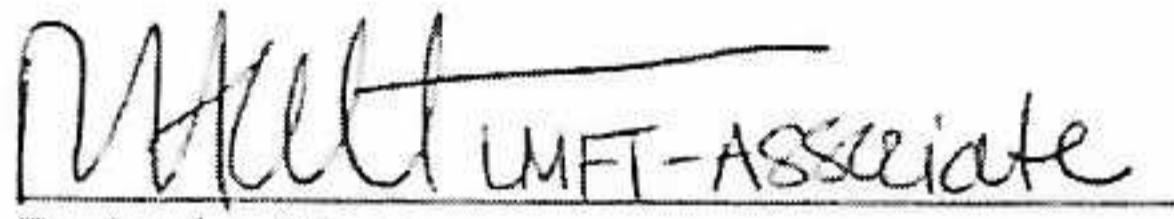
On the underlying licensing/professional/investigative file, Respondent has freely and voluntarily waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas 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,

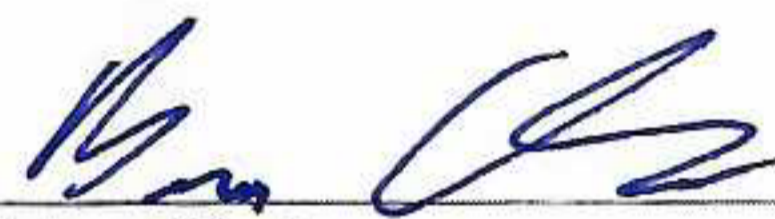
ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND 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:

LMFT-Associate

Rulesha Hart
Marriage and Family Therapist
Associate #203916



Brian Clark
Texas Bar No. 24099475
Staff Attorney
Texas Behavioral Health Executive Council
1801 Congress Ave., Suite 7.300
Austin, Texas 78701

DATE SIGNED: 05/31/2023

DATE SIGNED: 6/2/23

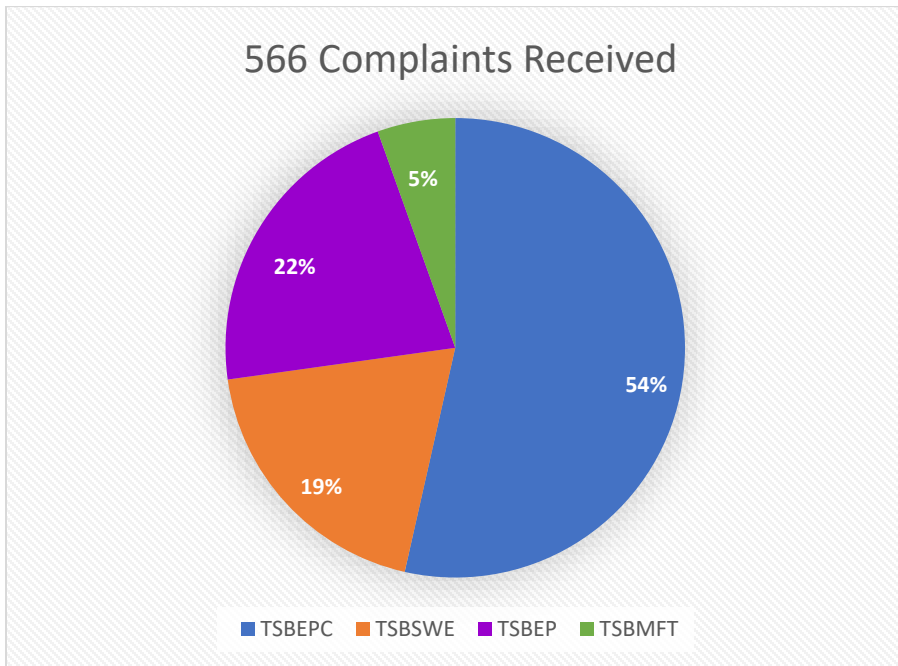
APPROVED, RATIFIED, AND ENTERED THIS 2nd DAY OF June, 2023.



Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

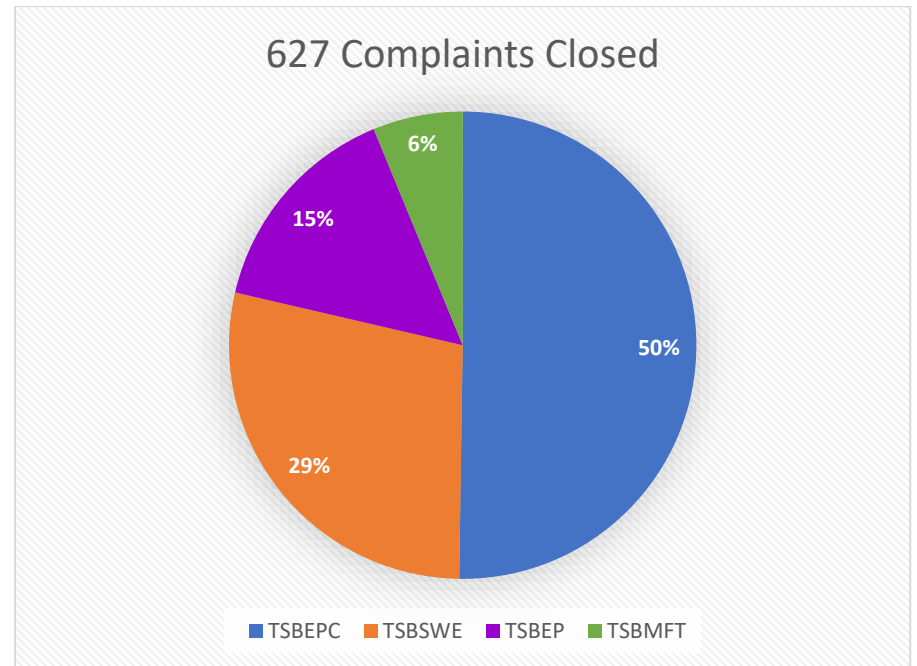
4th Quarter STATUS REPORT	4Q FY23 June 1, 2023 to Aug 31, 2023	3Q FY23 Mar 1, 2023 to May 31, 2023	2Q FY23 Dec 1, 2022 to Feb 28, 2023	1Q FY23 Sep 1, 2022 to Nov 30, 2022
New Complaints Received	151	156	102	157
Pending Complaints	407 TSBEP-177 TSBSWE-103 TSBEMFT-21 TSBEP-106	385 TSBEP-153 TSBSWE-124 TSBEMFT-18 TSBEP-90	347 TSBEP-123 TSBSWE-144 TSBEMFT-18 TSBEP-62	413 TSBEP-145 TSBSWE-171 TSBEMFT-25 TSBEP-72
Pending Priority 1 Complaints (Imminent Physical Harm & Sexual Misconduct)	46 TSBEP-28 TSBSWE-7 TSBEMFT-1 TSBEP-10	47 TSBEP-25 TSBSWE-13 TSBEMFT-0 TSBEP-9	35 TSBEP-18 TSBSWE-11 TSBEMFT-3 TSBEP-3	38 TSBEP-16 TSBSWE-15 TSBEMFT-3 TSBEP-4
Agreed Orders Signed	25	31	29	25
Complaints Dismissed by Staff	105	87	140	185
Complaints Dismissed by Member Boards	0	0	0	0
Total Complaints Resolved	130	118	169	210
Complaints Reviewed at an ISC	14	31	9	32
Pending Cases by Fiscal Year				
FY2017	0	0	0	3
FY2019	0	1	2	2
FY2020	8	11	18	26
FY2021	17	32	37	63
FY2022	63	93	135	183
FY2023	319	248	155	136
Total	407	385	347	413
Compliance with Disciplinary Orders				
Staff monitors respondents' compliance with orders. Staff works with respondent or respondent's attorney to regain compliance. Those who do not comply may receive a new complaint, alleging noncompliance with an order, and if the allegations are supported by sufficient evidence, a new order may impose harsher sanctions.	41 TSBEP-20/1 TSBSWE-7 TSBEMFT-6/1 TSBEP-8	47 TSBEP-26 TSBSWE-4 TSBEMFT-5/1 TSBEP-12		

**Texas Behavioral Health Executive Council
Enforcement Actions
FINAL TOTALS-FY 2023
09/01/2022 – 08/31/2023**



Complaints Received by Board

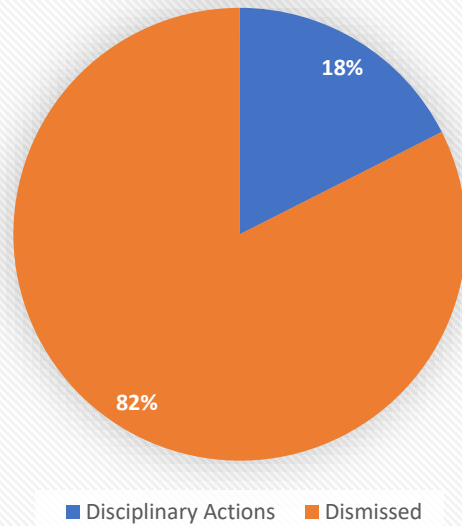
TSPEC 303 TSBSWE 109
TSBEP 123 TSBMFT 31



Complaints Resolved by Board

TSBEPC 315 TSBSWE 178
TSBEP 95 TSBMFT 39

627 Complaints Resolved



110 Disciplinary Actions Imposed



Complaint Resolution

Disciplinary Actions 110

Dismissed 517

Disciplinary Actions

Administrative Penalty 3

Revoked 3

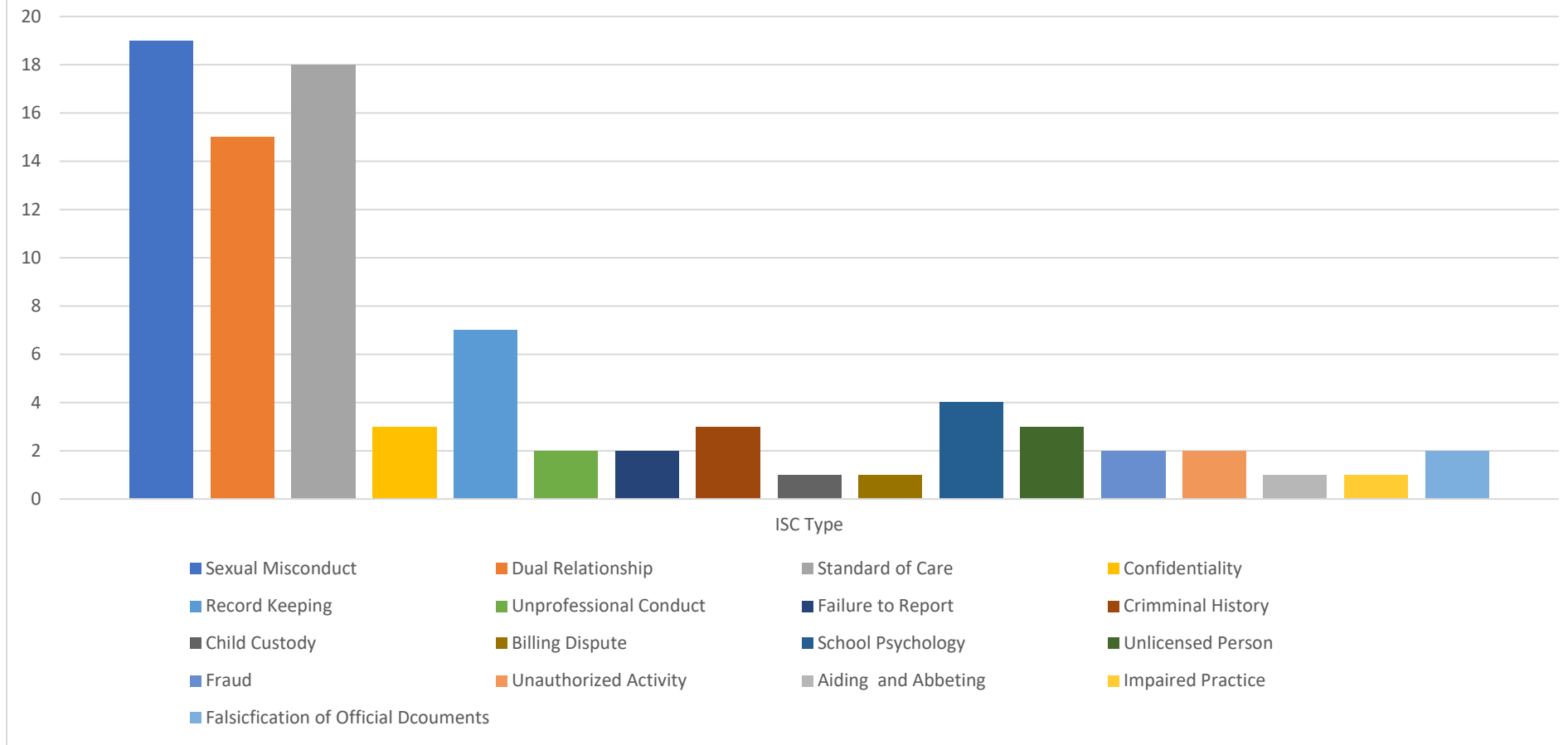
Reprimands 40

Resigned 29

Probated Suspension 24

Eligibility Orders 11

86 Complaints reviewed at an ISC



ISC Complaint Types

Sexual Misconduct 19	Dual Relationship 15	Standard of Care 18	Confidentiality 3	Record Keeping 7
Unprofessional Conduct 2	Failure to Report 2	Criminal History 3	Child Custody 1	Billing Dispute 1
School Psychology 4	Unlicensed Person 3	Fraud 2	Unauthorized Activity 2	
Aiding and Abetting 1	Impaired Practice 1	Falsification of Official Documents 2		

AN ACT

relating to allowing public schools to employ or accept as volunteers chaplains.

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

SECTION 1. Subtitle D, Title 2, Education Code, is amended by adding Chapter 23 to read as follows:

CHAPTER 23. SCHOOL CHAPLAINS

Sec. 23.001. SCHOOL CHAPLAINS. (a) A school district or open-enrollment charter school may employ or accept as a volunteer a chaplain to provide support, services, and programs for students as assigned by the board of trustees of the district or the governing body of the school. A chaplain employed or volunteering under this chapter is not required to be certified by the State Board for Educator Certification.

(b) A school district or open-enrollment charter school that employs or accepts as a volunteer a chaplain under this chapter shall ensure that the chaplain complies with the applicable requirements under Subchapter C, Chapter 22, before the chaplain begins employment or volunteering at the district or school.

(c) A school district or open-enrollment charter school may not employ or accept as a volunteer a chaplain who has been convicted of or placed on deferred adjudication community supervision for an offense for which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal

1 Procedure.

2 SECTION 2. Section 48.115(b), Education Code, is amended to
3 read as follows:

4 (b) Funds allocated under this section must be used to
5 improve school safety and security, including costs associated
6 with:

7 (1) securing school facilities, including:

8 (A) improvements to school infrastructure;

9 (B) the use or installation of physical barriers;

10 and

11 (C) the purchase and maintenance of:

12 (i) security cameras or other security
13 equipment; and

14 (ii) technology, including communications
15 systems or devices, that facilitates communication and information
16 sharing between students, school personnel, and first responders in
17 an emergency;

18 (2) providing security for the district, including:

19 (A) employing school district peace officers,
20 private security officers, and school marshals; and

21 (B) collaborating with local law enforcement
22 agencies, such as entering into a memorandum of understanding for
23 the assignment of school resource officers to schools in the
24 district;

25 (3) school safety and security training and planning,
26 including:

27 (A) active shooter and emergency response

1 training;

2 (B) prevention and treatment programs relating
3 to addressing adverse childhood experiences; and

4 (C) the prevention, identification, and
5 management of emergencies and threats, using evidence-based,
6 effective prevention practices and including:

7 (i) providing licensed counselors, social
8 workers, chaplains, and individuals trained in restorative
9 discipline and restorative justice practices;

10 (ii) providing mental health personnel and
11 support, including chaplains;

12 (iii) providing behavioral health
13 services, including services provided by chaplains;

14 (iv) establishing threat reporting
15 systems; and

16 (v) developing and implementing programs
17 focused on restorative justice practices, culturally relevant
18 instruction, and providing mental health support, including
19 support provided by chaplains; and

20 (4) providing programs related to suicide prevention,
21 intervention, and postvention, including programs provided by
22 chaplains.

23 SECTION 3. Each board of trustees of a school district and
24 each governing body of an open-enrollment charter school shall take
25 a record vote not later than six months after the effective date of
26 this Act on whether to adopt a policy authorizing a campus of the
27 district or school to employ or accept as a volunteer a chaplain

1 under Chapter 23, Education Code, as added by this Act.

2 SECTION 4. This Act applies beginning with the 2023-2024
3 school year.

4 SECTION 5. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 763 passed the Senate on April 25, 2023, by the following vote: Yeas 18, Nays 12; May 11, 2023, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 15, 2023, House granted request of the Senate; May 23, 2023, Senate adopted Conference Committee Report by the following vote: Yeas 19, Nays 12.

Secretary of the Senate

I hereby certify that S.B. No. 763 passed the House, with amendments, on May 9, 2023, by the following vote: Yeas 89, Nays 58, one present not voting; May 15, 2023, House granted request of the Senate for appointment of Conference Committee; May 24, 2023, House adopted Conference Committee Report by the following vote: Yeas 84, Nays 60, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor

15. Summary of Council’s Activities

A. Affecting Title 22 of the Texas Administrative Code (22 TAC), the Council’s rulemaking actions taken at its August 15, 2023, included adopted rules, published in the September 15, 2023, *Texas Register* and effective September 21, 2023: [§882.61](#) *Special Licensing Provisions for Service Members and Military Spouses* – to better align this rule with both state and federal law regarding licensing exemptions for service members and military spouses. The rule is adopted with changes in response to recent amendments made to Section 550.0041 of the Occupations Code by S.B. 422, 88th Leg., R.S. (2023).

B. Affecting 22 TAC, the Council’s rulemaking actions taken at its August 15, 2023, included proposed rules, which are scheduled to be published in the September 22, 2023 *Texas Register*:

1. [§801.2](#) *Definitions* – to add a definition for independent practice;
2. [§801.48](#) *Record Keeping, Confidentiality, Release of Records, and Required Reporting* – to clarify that any licensee in private practice must establish a plan of custody and control for a client’s records;
3. [§801.142](#) *Supervised Clinical Experience Requirements and Conditions* – to increase the number of technology-assisted-service hours that may be counted as supervised experience for independent licensure from 500 hours to 750 hours;
4. [§801.143](#) *Supervisor Requirements* – to remove the 12-supervisee limit on supervisors, allowing supervisors to determine the appropriate number of supervisees for whom they can provide adequate supervision, and to clarify that a supervisor must establish a plan of custody and control for their LMFT Associates’ supervision records;
5. [§801.305](#) *Schedule of Sanctions* – to correct a *Texas Register* submission error and some typographical errors in the chart; and
6. [§882.32](#) *Duty to Update Name and Address* – to align with statutory changes made by S.B. 510, 88th Leg., R.S. (2023). Beginning September 1, 2023, Section 507.161 of the Occupations Code will make all licensees’ home addresses and telephone numbers confidential and not subject to disclosure under Chapter 552 of the Government Code. Additionally, Section 552.11765 of the Government Code will make a license application, the home address, home telephone number, electronic mail address, social security number, date of birth, driver’s license number, state identification number, passport number, emergency contact information, or payment information of an applicant, licensee, or previous licensee confidential and not subject to disclosure under Chapter 552 of the Government Code.

C. Other Council updates include but may not be limited to the following.

1. Recently enacted laws from the 88th Legislative Regular Session and implementation thereof
2. Year-to-Date Financial Report
3. Discussion about whether to amend [22 TAC 882.23](#) so that a license is only required to deliver services to a client who is physically in Texas, but not when non-Texas licensee is physically in Texas and wants to serve clients who are physically outside Texas jurisdiction.

Rule: 882.61. Special Licensing Provisions for Service Members and Military Spouses

Action: Adopted Amendments

Comment: The adopted amendments better align this rule with both state and federal law regarding licensing exemptions for service members and military spouses. The rule is adopted with changes in response to recent amendments made to Section 550.0041 of the Occupations Code by S.B. 422, 88th Leg., R.S. (2023).

§882.61. Special Licensing Provisions for Service Members and Military Spouses.

- (a) Notwithstanding §882.23 of this chapter and in accordance with §55.0041 of the Occupations Code and the Veterans Auto and Education Improvement Act of 2022 (Public Law No. 117-333), a ~~A~~ service member or military spouse is authorized ~~shall be issued a license to practice~~ marriage and family therapy, professional counseling, psychology, or social work without a license if the person meets each of the following requirements:
- (1) the service member or **military** spouse notifies the Council on an agency approved form or as directed by agency staff, of the service member's or military spouse's intent to practice a particular profession in this state;
 - (2) the service member or military spouse provides verification of licensure in good standing in another jurisdiction in the similar scope of practice and in the discipline applied for in this state, and: that has licensing requirements that are substantially equivalent to the requirements for licensure in this state;
 - (i) has actively used the license during the two years immediately preceding the date of application; or
 - (ii) **for military spouses only,** holds a license that has licensing requirements that are substantially equivalent to the requirements for licensure in this state;
 - ~~(3) the spouse submits a copy of the law reflecting the current licensing standards for the relevant profession in the state where the spouse is licensed, with the relevant portions highlighted for easy reference;~~
 - ~~(3)~~(4) the service member or military spouse submits proof of residency in this state (e.g. copy of a permanent change of station order) and a copy of the service member's or military spouse's military identification card; and

~~(4)(5)~~ the Council provides confirmation to the service member or military spouse that it has verified the service member's or military spouse's license in the other jurisdiction and that the service member or military spouse is authorized to practice a particular profession.

- (b) In order to meet the requirements of subsection (a)(2)(ii) of this section, a service member or military spouse must submit a copy of the law reflecting the current licensing standards for the relevant profession in the state where the service member or spouse is licensed, with the relevant portions highlighted for easy reference. The Council shall then determine substantial equivalency based upon the determinations made by the member boards under §882.60(d) of this chapter. ~~(relating to Special Provisions Applying to Military Service Members, Veterans, and Spouses).~~
- (c) The Council may rely upon the following when verifying licensure under this subsection: official verification received directly from the other jurisdiction, a government website reflecting active licensure and good standing, or verbal or email verification directly from the other jurisdiction.
- (d) A service member or military spouse authorized to practice ~~issued a license~~ under this rule is subject to all laws and regulations in the same manner as a regularly licensed provider.
- (e) A service member or military spouse may practice ~~license issued~~ under this rule ~~is valid~~ while the ~~holder's~~ service member or military spouse is stationed at a military installation in this state. If the service member or military spouse relied upon subsection (a)(2)(ii) of this section to obtain authorization to practice, the authority shall extend only until the third anniversary of the date of confirmation referenced in subsection (a)(4) of this section. ~~or for three years from the date of issuance, whichever is less. A license issued under this rule cannot be renewed or extended.~~
- ~~(f)~~ In order to obtain and maintain the privilege to practice without a license in this state, a service member or military spouse must remain in good standing with every licensing authority that has issued a license to the service member or military spouse at a similar scope of practice and in the discipline applied for in this state.
- ~~(g)~~ Subsection (a)(2)(i) of this section does not apply to service members or military spouses that are licensed and able to operate in this state through an interstate licensure compact. Service members or military spouses eligible to participate in an interstate licensure compact may either apply to

practice through the authority of the interstate licensure compact or through other applicable state law.

- (h) Notwithstanding subsection (e) of this section, in the event of a divorce or similar event (e.g., annulment, death of spouse) affecting a military spouse's marital status, a military spouse who relied upon subsection (a)(2)(ii) of this section to obtain authorization to practice may continue to practice under the authority of this rule until the third anniversary of the date of confirmation referenced in subsection (a)(4) of this section.

Rule: 801.2. Definitions.

Action: Proposed Amendment

Comment: The proposed amendment adds a definition for independent practice.

§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) 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) Executive director--the executive director for the Texas Behavioral Health Executive Council.
- (11) 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) 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) Independent Practice--The practice of providing marriage and family therapy services to a client without the supervision of an LMFT-S.
- ~~(14)~~(13) Individual supervision--Supervision of no more than two marriage and family therapy supervisees or LMFT Associates in a clinical setting during the supervision hour.
- ~~(15)~~(14) 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.
- ~~(16)~~(15) 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.
- ~~(17)~~(16) 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.
- ~~(18)~~(17) 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.
- ~~(19)~~(18) Licensee--Any person licensed by the council.

~~(20)~~(19) 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.

~~(21)~~(20) 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.

~~(22)~~(21) Month--A calendar month.

~~(23)~~(22) Person--An individual, corporation, partnership, or other legal entity.

~~(24)~~(23) 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.

~~(25)~~(24) 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).

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

(27)~~(26)~~ 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.

(28)~~(27)~~ 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.

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

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

Rule: 801.48 Record Keeping, Confidentiality, Release of Records, and Required Reporting.

Action: Proposed Amendment

Comment: This amendment is proposed for the purposes of clarity, to make it clear that any licensee in private practice must establish a plan of custody and control for a client's records.

§801.48. Record Keeping, Confidentiality, Release of Records, and Required Reporting.

- (a) Communication between a licensee and client and the client's records, however created or stored, are confidential under the provisions of the Texas Health and Safety Code, Chapter 611 (relating to Mental Health Records), and other state or federal statutes or rules where such statutes or rules apply to a licensee's practice.
- (b) A licensee may not disclose any communication, record, or identity of a client except as provided in Texas Health and Safety Code, Chapter 611 (relating to Mental Health Records), or other state or federal statutes or rules.
- (c) A licensee must comply with Texas Health and Safety Code, Chapters 181 (relating to Medical Records Privacy) and 611 (relating to Mental Health Records), and other state or federal statutes or rules where such statutes or rules apply to a licensee's practice, concerning access to and release of mental health records and confidential information.
- (d) A licensee must report or release information as required by the following statutes:
 - (1) Texas Family Code, Chapter 261 (relating to Investigation of Report of Child Abuse or Neglect);
 - (2) Texas Human Resources Code, Chapter 48 (relating to Investigations and Protective Services for Elderly Persons and Persons with Disabilities);
 - (3) Texas Health and Safety Code, Chapter 161, Subchapter L (relating to Abuse, Neglect, and Unprofessional or Unethical Conduct in Healthcare Facilities); and
 - (4) Texas Civil Practice and Remedies Code, §81.006 (relating to Duty to Report Sexual Exploitation by a Mental Health Services Provider).
 - (A) If a licensee has reasonable cause to suspect that a client has been the victim of a sexual exploitation, sexual contact, or therapeutic deception by another licensee or a mental health services provider during therapy or any other course of treatment, or if a client

alleges sexual exploitation, sexual contact, or therapeutic deception by another licensee or mental health services provider (during therapy or any other course of treatment), the licensee must report alleged misconduct not later than the 30th day after the date the licensee became aware of the misconduct or the allegations to:

- (i) the district attorney in the county in which the alleged sexual exploitation, sexual contact, or therapeutic deception occurred;
 - (ii) the council if the misconduct involves a licensee; and
 - (iii) any other state licensing agency which licenses the mental health services provider.
- (B) Before making a report under this subsection, the reporter must inform the alleged victim of the reporter's duty to report and must determine if the alleged victim wants to remain anonymous.
- (C) A report under this subsection is required to contain only the information needed to:
- (i) identify the reporter;
 - (ii) identify the alleged victim, unless the alleged victim has requested anonymity;
 - (iii) express suspicion that sexual exploitation, sexual contact, or therapeutic deception occurred; and
 - (iv) provide the name of the alleged perpetrator.
- (e) A licensee must keep accurate records of therapeutic services, including dates of services, types of services, progress or case notes and billing information for a minimum of seven years after termination of services or five years after a client reaches the age of majority, whichever is greater.
- (f) Records created by a licensee during the scope of the licensee's employment by educational institutions; by federal, state, or local government agencies; or political subdivisions or programs are not required to comply with the requirements of subsection (e) of this section.
- (g) A licensee must retain and dispose of client records in such a way that confidentiality is maintained.

- (h) In private independent practice, the licensee must establish a plan for the custody and control of the licensee's client mental health records in the event of the licensee's death or incapacity, or the termination of the licensee's professional services.

Rule: 801.142. Supervised Clinical Experience Requirements and Conditions

Action: Proposed Amendment

Comment: The proposed amendment increases the amount of hours that may be counted towards licensure that are provided by technology-assisted services from 500 hours to 750 hours.

§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 750 ~~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 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) 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: 801.143. Supervisor Requirements

Action: Proposed Amendment

Comment: The proposed amendments remove the 12 supervisee limit on supervisors, allowing supervisors to determine the appropriate number of supervisees that they can provide adequate supervision. Additionally, the proposed amendments make it clear that a supervisor must establish a plan of custody and control for records of supervision for their LMFT Associates.

§801.143. Supervisor Requirements

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

- (4) a dated and signed record of each supervision conference with the LMFT Associate's total number of hours of supervised experience, direct client contact hours, and direct client contact hours with couples or families accumulated up to the date of the conference; ~~and~~
- (5) an established plan for the custody and control of the records of supervision for each LMFT Associate in the event of the supervisor's death or incapacity, or the termination of the supervisor's practice; and
- ~~(6)(5)~~ a copy of any written plan for remediation of the LMFT Associate.
- (e) Within 30 days of the termination of supervision, a supervisor must submit written notification to the council.
- (f) Both the LMFT Associate and the council-approved supervisor are fully responsible for the marriage and family therapy activities of the LMFT Associate.
 - (1) The supervisor must ensure the LMFT Associate knows and adheres to all statutes and rules that govern the practice of marriage and family therapy.
 - (2) A supervisor must maintain objective, professional judgment; a dual relationship between the supervisor and the LMFT Associate is prohibited.
 - (3) A supervisor may only supervise the number of individuals for which the supervisor can provide adequate supervision ~~not supervise more than 12 persons at one time.~~
 - (4) If a supervisor determines the LMFT Associate may not have the therapeutic skills or competence to practice marriage and family therapy under an LMFT license, the supervisor must develop and implement a written plan for remediation of the LMFT Associate.
 - (5) A supervisor must timely submit accurate documentation of supervised experience.
- (g) Supervisor status expires with the LMFT license.
- (h) A supervisor who fails to meet all requirements for licensure renewal may not advertise or represent himself or herself as a supervisor in any manner.

- (i) A supervisor whose license status is other than "current, active" is no longer an approved supervisor. Supervised clinical experience hours accumulated under that person's supervision after the date his or her license status changed from "current, active" or after removal of the supervisor designation will not count as acceptable hours unless approved by the council.
- (j) A supervisor who becomes subject to a council disciplinary order is no longer an approved supervisor. The person must:
 - (1) inform each LMFT Associate of the council disciplinary order;
 - (2) refund all supervisory fees received after date the council disciplinary order was ratified to the LMFT Associate who paid the fees; and
 - (3) assist each LMFT Associate in finding alternate supervision.
- (k) Supervision of an LMFT Associate without being currently approved as a supervisor is grounds for disciplinary action.
- (l) The LMFT Associate may compensate the supervisor for time spent in supervision if the supervision is not part of the supervisor's responsibilities as a paid employee of an agency, institution, clinic, or other business entity.
- (m) The 40-hour supervision training must comply with §801.261 of this title (relating to Requirements for Continuing Education) and:
 - (1) the course must be taught by a licensed marriage and family therapist holding supervisor status issued by the Council;
 - (2) all related coursework and assignments must be completed over a time period not to exceed 90 days; and
 - (3) the 40-hour supervision training must include at least:
 - (A) three (3) hours for defining and conceptualizing supervision and models of supervision;
 - (B) three (3) hours for supervisory relationship and marriage and family therapist development;
 - (C) twelve (12) hours for supervision methods and techniques, covering roles, focus (process, conceptualization, and personalization), group supervision, multi-cultural

supervision (race, ethnic, and gender issues), and evaluation methods;

(D) twelve (12) hours for supervision and standards of practice, codes of ethics, and legal and professional issues; and

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

(n) Subsection (m) of this rule is effective May 1, 2023.

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(h)				X
801.143(i)			X	
801.143(j)				X
801.143(k)			X	

Rule: 882.32. Duty to Update Name and Address

Action: Proposed Amendments

Comment: The proposed amendments are required due to the statutory changes made by S.B. 510, 88th Leg., R.S. (2023). Beginning September 1, 2023, Section 507.161 of the Occupations Code will make all home addresses and telephone numbers of licensees confidential and not subject to disclosure under Chapter 552 of the Government Code. Additionally, Section 552.11765 of the Government Code will make a license application, the home address, home telephone number, electronic mail address, social security number, date of birth, driver's license number, state identification number, passport number, emergency contact information, or payment information of an applicant, licensee, or previous licensee confidential and not subject to disclosure under Chapter 552 of the Government Code.

§882.32. Duty to Update Name and Address

- (a) Applicants and licensees must update their name, main address, business address, email address, and phone number in the Council's online licensing system within 30 days of a change. The main address entered by an applicant or licensee must be capable of receiving mail addressed to the applicant or licensee from the agency. It is the responsibility of the individual to ensure the agency has the correct contact information for that individual.
- (b) Official agency correspondence will be sent to an applicant's or licensee's main address, unless otherwise required by law. The street address portion of an applicant's or licensee's main address will not be displayed in results returned from the online licensee search function and will not, but will continue to be publicly available via the Public Information Act. Applicants and licensees may also enter a business address in the agency's online licensing system which will be displayed, without redaction, in public search results.
- (c) A name change request must be accompanied by a copy of a current driver's license, social security card, marriage license, divorce decree or court order reflecting the change of name.

Texas Administrative Code

<u>TITLE 22</u>	EXAMINING BOARDS
<u>PART 41</u>	TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL
<u>CHAPTER 882</u>	APPLICATIONS AND LICENSING
<u>SUBCHAPTER B</u>	LICENSE
RULE §882.23	License Required to Practice

- (a) A person may not engage in or represent that the person is engaged in the practice of marriage and family therapy, professional counseling, psychology, or social work within this state, unless the person is licensed or otherwise authorized to practice by law.
 - (b) A person is engaged in the practice of marriage and family therapy within this state if any of the criteria set out in §502.002(6) of the Occupations Code occurs either in whole or in part in this state.
 - (c) A person is engaged in the practice of professional counseling within this state if any of the criteria set out in §503.003(a) of the Occupations Code occurs either in whole or in part in this state.
 - (d) A person is engaged in the practice of psychology within this state if any of the criteria set out in §501.003(b) of the Occupations Code occurs either in whole or in part in this state.
 - (e) A person is engaged in the practice of social work within this state if any of the criteria set out in §505.0025 of the Occupations Code occurs either in whole or in part in this state.
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Source Note: The provisions of this §882.23 adopted to be effective September 1, 2020, 45 TexReg 4756

[List of Titles](#) [Back to List](#)

Sec. 502.002. DEFINITIONS. In this chapter:

(1) "Board" means the Texas State Board of Examiners of Marriage and Family Therapists.

(2) "Executive council" means the Texas Behavioral Health Executive Council.

(3) Repealed by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 2.113(34), eff. September 1, 2019.

(4) "Licensed marriage and family therapist" means a person who offers marriage and family therapy for compensation.

(5) "Licensed marriage and family therapist associate" means an individual who offers to provide marriage and family therapy for compensation under the supervision of a supervisor approved by the executive council.

(6) "Marriage and family therapy" means providing professional therapy services to individuals, families, or married couples, alone or in groups, that involve applying family systems theories and techniques. The term includes the evaluation, diagnostic assessment, and remediation of mental, cognitive, affective, behavioral, or relational dysfunction, disease, or disorder in the context of marriage or family systems and may include the use of the Diagnostic and Statistical Manual of Mental Disorders and the International Classification of Diseases. The practice of marriage and family therapy does not constitute the practice of medicine and does not include prescribing medication, treating a physical disease, or providing any service outside the scope of practice of a licensed marriage and family therapist or a licensed marriage and family therapist associate.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.252(a), eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1061 (H.B. 1413), Sec. 1, eff. September 1, 2005.

Acts 2017, 85th Leg., R.S., Ch. 501 (H.B. 2818), Sec. 1, eff. June 9, 2017.

Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 2.029, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 2.113(1), eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 2.113(34), eff. September 1, 2019.

OCCUPATIONS CODE

TITLE 3. HEALTH PROFESSIONS

SUBTITLE A. PROVISIONS APPLYING TO HEALTH PROFESSIONS GENERALLY

CHAPTER 113. MENTAL HEALTH TELEMEDICINE AND TELEHEALTH SERVICES

Sec. 113.001. DEFINITIONS. The definitions provided by Section 111.001 apply to this chapter.

Added by Acts 2019, 86th Leg., R.S., Ch. 1328 (H.B. 4455), Sec. 1, eff. September 1, 2019.

Sec. 113.002. PATIENT LOCATED OUTSIDE OF STATE. Notwithstanding any other law, a health professional may provide a mental health service that is within the scope of the professional's license, certification, or authorization through the use of a telemedicine medical service or a telehealth service to a patient who is located outside of this state, subject to any applicable regulation of the jurisdiction in which the patient is located.

Added by Acts 2019, 86th Leg., R.S., Ch. 1328 (H.B. 4455), Sec. 1, eff. September 1, 2019.