



Texas Behavioral Health Executive Council

Proposed Rule Changes Open for Public Comment

Members of the public wishing to review or submit public comment on a proposed rule may do so by clicking on the corresponding link below. The comment period for these proposed rule changes ends on December 17, 2023 at 5pm. The comment period for a proposed rule can also be found in the preamble, which can be accessed through the link to the proposed rule.

NOTE: The Spanish language translations provided herein below were generated using ChatGPT 3.5.

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Texas Behavioral Health Executive Council

[882.23 License Required to Practice](#)

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Summary of Proposed Change (English) required by Section 2001.023 of the Government Code:

The proposed amendments are intended to clarify when an individual is conducting a professional service in Texas, which is when professional services are being delivered and the recipient of services is physically located in Texas. The location of the provider is not a determining factor for whether a professional service is being delivered in Texas.

Summary of Proposed Change (Spanish) required by Section 2001.023 of the Government Code:

Las enmiendas propuestas tienen como objetivo aclarar cuándo una persona está llevando a cabo un servicio profesional en Texas, lo cual ocurre cuando se están prestando servicios profesionales y el receptor de los servicios se encuentra físicamente en Texas. La ubicación del proveedor no es un factor determinante para determinar si se está prestando un servicio profesional en Texas.

[882.28 Update to Degree on a License](#)

[Submit Public Comment](#)

Summary of Proposed Change (English) required by Section 2001.023 of the Government Code:

The proposed new rule implements a process to update the degree listed on a license. Licensees may utilize this proposed new application process to potentially update the degree listed on their license to a doctoral degree.

Summary of Proposed Change (Spanish) required by Section 2001.023 of the Government Code:

La nueva regla propuesta implementa un proceso para actualizar el grado mencionado en una licencia. Los titulares de licencias pueden utilizar este nuevo proceso de solicitud propuesto para posiblemente actualizar el grado mencionado en su licencia a un grado doctoral.

[883.1 Renewal of a License](#)

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Summary of Proposed Change (English) required by Section 2001.023 of the Government Code:

The proposed amendments will require licensees selected for audit during renewal to obtain and submit a National Practitioner Data Base self-query. Current Council rule §882.2 requires new applicants to submit an NPDB self-query with their application, but currently there is no Council rule that requires licensees to submit an NPDB self-query. In a recent audit conducted by the State Auditor's Office, the lack of any required NPDB self-query for licensure renewal was identified as an area of concern for the licensing functions of the Council. Section 507.258 of the Occupations Code requires the Council to establish a process to search a national practitioner database to determine whether another state has taken any disciplinary or other legal action against an applicant or license holder before issuing an initial or renewal license. Therefore, these rule amendments have been proposed to address this identified area of concern, and to further implement §507.258 of the Occupations Code.

Summary of Proposed Change (Spanish) required by Section 2001.023 of the Government Code:

Las enmiendas propuestas requerirán que los titulares de licencias seleccionados para una auditoría durante la renovación obtengan y presenten una autoconsulta en la Base de Datos Nacional de Profesionales de la Salud (NPDB). La regla actual del Consejo, §882.2, requiere que los nuevos solicitantes presenten una autoconsulta en el NPDB junto con su solicitud, pero actualmente no hay ninguna regla del Consejo que exija a los titulares de licencias presentar una autoconsulta en el NPDB. En una auditoría reciente realizada por la Oficina del Auditor del Estado, la falta de una autoconsulta en el NPDB requerida para la renovación de la licencia se identificó como un área de preocupación en las funciones de licenciamiento del Consejo. La Sección 507.258 del Código de Ocupaciones requiere que el Consejo establezca un proceso para buscar en una base de datos nacional de profesionales de la salud para determinar si otro estado ha tomado alguna medida disciplinaria u otra acción legal contra un solicitante o titular de una licencia antes de emitir

una licencia inicial o de renovación. Por lo tanto, estas enmiendas a las reglas se han propuesto para abordar esta área de preocupación identificada y para implementar aún más la Sección 507.258 del Código de Ocupaciones.

[884.1 Timeliness of Complaints](#)

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Summary of Proposed Change (English) required by Section 2001.023 of the Government Code:

The proposed amendments provide notice and clarity that the rule of limitations for the timeliness of a complaint does not apply to applications for reinstatement.

Summary of Proposed Change (Spanish) required by Section 2001.023 of the Government Code:

Las enmiendas propuestas brindan aviso y claridad de que la regla de limitaciones para la oportunidad de presentar una queja no se aplica a las solicitudes de restitución.

[885.1 Executive Council Fees](#)

[Submit Public Comment](#)

Summary of Proposed Change (English) required by Section 2001.023 of the Government Code:

The proposed amendments provide additional notice to applicants and licensees of the potential disciplinary action that may result from attempting to refund fees paid to the Council. Additionally, a new rule has been proposed, §882.28, regarding updates to degrees on licenses, so a new fee of \$54.00 has been proposed for these types of applications.

Summary of Proposed Change (Spanish) required by Section 2001.023 of the Government Code:

Las enmiendas propuestas proporcionan un aviso adicional a los solicitantes y titulares de licencias sobre la posible acción disciplinaria que puede resultar de intentar reembolsar las tarifas pagadas al Consejo. Además, se ha propuesto una nueva regla, §882.28, relacionada con las actualizaciones de los grados en las licencias, por lo que se ha propuesto una nueva tarifa de \$54.00 para este tipo de solicitudes.

Texas State Board of Examiners of Marriage and Family Therapists

There are no proposed rule changes open for public comment in this program.

Texas State Board of Examiners of Psychologists

There are no proposed rule changes open for public comment in this program.

Texas State Board of Examiners of Professional Counselors

[681.72 Required Application Materials](#)

[Submit Public Comment](#)

Summary of Proposed Change (English) required by Section 2001.023 of the Government Code:

The proposed amendments delete the requirement that an applicant must receive a passing score on either the NCE or NCMHCE within five years of the date of application. The licensure exams for other types of behavioral health licensees, such as psychologists and marriage and family therapists, do not have a time limit or expiration for their examination scores. Therefore, this five year expiration for a passing scores is being proposed to be deleted.

Summary of Proposed Change (Spanish) required by Section 2001.023 of the Government Code:

Las enmiendas propuestas eliminan el requisito de que un solicitante deba obtener una calificación aprobatoria en el NCE o el NCMHCE en un plazo de cinco años a partir de la fecha de la solicitud. Los exámenes de licenciatura para otros tipos de licenciados en salud conductual, como psicólogos y terapeutas matrimoniales y familiares, no tienen un límite de tiempo o vencimiento para las puntuaciones de sus exámenes. Por lo tanto, se propone eliminar este vencimiento de cinco años para las calificaciones aprobatorias.

Texas State Board of Social Worker Examiners

[781.323 Technology in Social Work Practice](#)

[Submit Public Comment](#)

Summary of Proposed Change (English) required by Section 2001.023 of the Government Code:

The proposed amendments provide clarification regarding telehealth practice. Electronic practice may be utilized but it must meet the same standards of practice as face to face services. And licensees who provide services to clients, or supervision to supervisees, outside of Texas must comply with the laws and rules of Texas and of the out-of-state authority which govern the practice of social work.

Summary of Proposed Change (Spanish) required by Section 2001.023 of the Government Code:

Las enmiendas propuestas brindan aclaraciones sobre la práctica de telemedicina. La práctica electrónica puede ser utilizada, pero debe cumplir con los mismos estándares de práctica que los servicios en persona. Y los titulares de licencias que brindan servicios a clientes o supervisión a supervisados fuera de Texas deben cumplir con las leyes y reglas de Texas y con la autoridad extraterritorial que rige la práctica del trabajo social.

[781.412 Examination Requirement](#)

[Submit Public Comment](#)

Summary of Proposed Change (English) required by Section 2001.023 of the Government Code:

The proposed amendments will eliminate the requirement that an applicant must receive a passing score on the ASWB national examination within two years prior to the initial or upgrade application. The rule as proposed will still require a passing score before the date of application, but examination scores older than two years will no longer expire for licensure purposes. The licensure exams

for other types of behavioral health licensees, such as psychologists and marriage and family therapists, do not have a time limit or expiration for their examination scores. Therefore, this two year expiration for a passing scores is being proposed to be deleted.

Summary of Proposed Change (Spanish) required by Section 2001.023 of the Government Code:

Las enmiendas propuestas eliminarán el requisito de que un solicitante debe obtener una calificación aprobatoria en el examen nacional del ASWB dentro de los dos años previos a la solicitud inicial o de actualización. La regla propuesta seguirá requiriendo una calificación aprobatoria antes de la fecha de la solicitud, pero las puntuaciones del examen con más de dos años ya no expirarán para fines de licencia. Los exámenes de licencia para otros tipos de licenciados en salud conductual, como psicólogos y terapeutas matrimoniales y familiares, no tienen un límite de tiempo o vencimiento para sus puntuaciones de exámenes. Por lo tanto, se propone eliminar este vencimiento de dos años para las calificaciones aprobatorias.