

# Texas State Board of Examiners of Marriage and Family Therapists

Board Meeting Agenda for  
Friday, January 26, 2024, 1 p.m.

The January 26, 2024 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 1801 Congress Avenue, Suite. 7.102, Austin, Texas 78701. 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/84837025556> 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](http://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](mailto: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/GXBWaJpWZi>. 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, JANUARY 26, 2024, 1 P.M.**

(Merchant, Bartee, Elder, Ezell, Parrish, Scoma, Reyna, Richardson, Smith)

1. Call meeting to order.
2. Approval of minutes of the September 29, 2023, videoconference Board meetings.
3. Discussion and possible action to re-elect or replace professional member delegate to the Texas Behavioral Health Executive Council per Texas Occupations Code §507.051 *Executive Council Membership*, Jeanene Smith, MA, LPC-S, LMFT-S, whose term as delegate expires February 1, 2024, per Title 22 of the Texas Administrative Code §881.4, Council Member Terms.

4. Discussion and possible action to replace public member delegate to the Texas Behavioral Health Executive Council per Texas Occupations Code §507.051 *Executive Council Membership*, Anthony Scoma, DMin, who is unable to complete his term and whose term as delegate expires February 1, 2025, per Title 22 of the Texas Administrative Code §881.4, Council Member Terms.
5. Discussion and possible action to replace vice-chair of the Texas State Board of Examiners of Marriage and Family Therapists - Rev. Dr. Anthony Scoma, who is unable to complete his term - pursuant to 22 Texas Administrative Code (TAC) §801.11, *The Board*.
6. Board review and possible action regarding appeals of application for licensure denials.
7. Board review and possible action regarding agreed orders to be executed by the Board.
8. Board review and possible action regarding contested cases from the State Office of Administrative Hearings (SOAH).
9. Report of agreed orders executed by the Council's Executive Director.
10. Report of cases dismissed by the Council's Executive Director.
11. Status report of quarterly enforcement case activities.
12. 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.
13. Discussion and possible action concerning recommendations, from the December 8, 2023 Professional Development Committee meeting, for changes in Title 22 of the Texas Administrative Code, §801.261 *Requirements for Continuing Education*: to require one hour of continuing education in crisis management, which may include but need not be limited to client deterioration and safety issues, suicide and mass casualty event prevention, natural disaster, personal trauma, family crisis, domestic violence, child abuse, and elder abuse.
14. Discussion and possible action concerning recommendations, from the January 12, 2024 Rules Committee meeting, for changes in Title 22 of the Texas Administrative Code,
  - A. §801.143 *Supervisor Requirements*: to set equitable requirements for supervisor status; and to standardize provisions concerning automatic revocation of supervisor status after disciplinary order imposes probated suspension, suspension, or revocation of the license; and
  - B. When evaluating official transcript, instructed staff to round 2.5 graduate semester hours to 3 graduate semester hours.
15. Discussion and possible action regarding public comment on proposed changes in Title 22 of the Texas Administrative Code, published in the September 22, 2023 *Texas Register*:
  - A. [§801.2](#) *Definitions* – to add a definition for independent practice;
  - B. [§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;
  - C. [§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;
  - D. [§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; and

- E. [§801.305](#) *Schedule of Sanctions* – to correct a *Texas Register* submission error and some typographical errors in the chart.
- 16. 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.
- 17. Report from the Board Chair concerning current challenges and accomplishments; lawsuits; interaction with stakeholders, state officials, and staff; committee appointments and functions; workload of Board members; conferences; and general information regarding the routine functioning of the Board.
- 18. Report from the Board’s Delegates to the Texas Behavioral Health Executive Council regarding the activities of the Executive Council, including
  - A. The Council’s rulemaking actions taken at its October 24, 2023 meeting including adopted rules and
  - B. Proposed rules; and
  - C. Other Council updates.
- 19. Report from the Board Administrator concerning operations, organization, and staffing; workload processing and statistical information; status of rulemaking; customer service accomplishments, inquiries, and challenges; media, legislative, and stakeholder contacts and concerns; special projects; and general information regarding the routine functioning of the program.
- 20. Discussion and possible action regarding future priorities and activities of the Board.
- 21. Public Comment.
- 22. Announcements and comments not requiring Board action, such as statements regarding conferences and other recent or upcoming events.
- 23. Adjournment.

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

CONTACT: Sarah Faszholtz, 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: Jan 26, 2024 01:00 PM Central Time (US and Canada)

Topic: Texas State Board of Examiners of Marriage and Family Therapists' January 26, 2024 meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84837025556>

Or One tap mobile :

+13462487799,,84837025556# US (Houston)

+17193594580,,84837025556# 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)

+1 312 626 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)

+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

Webinar ID: 848 3702 5556

International numbers available: <https://us02web.zoom.us/j/84837025556>

**COMPLAINT NO. 2022-00336**

**IN THE MATTER OF**

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**BEFORE THE TEXAS BEHAVIORAL  
HEALTH EXECUTIVE COUNCIL**

**USMAN MUGHNI**

**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(c), the Executive Director for the Texas Behavioral Health Executive Council (“Council”) hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of the Council, which have been approved and accepted by Usman Mughni (“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 (#202698) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. From on or about March 2, 2019 to on or about November 4, 2020, Respondent engaged in a romantic relationship with a client or former client which included giving gifts and entering into pre-marital counseling with a client or former client.
3. Respondent disclosed the identity of a client to others.
4. Respondent failed to provide a full copy of mental health records after receiving a written request.
5. From on or about November 26, 2022 to on or about November 8, 2023, respondent failed to cooperate with a Council investigation when Respondent failed to submit a response as required by the Notice of Violation.

**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 Rules 801.44(f), (g), (i), and (l); Rule 801.45(d); Rules 801.48(b) and (c); and Rule 884.30.

### **ORDER**

#### **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

1. Respondent's license is **SUSPENDED** for a period of five (5) years from the effective date of this order. However, the five (5) years 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.
2. Respondent, within thirty (30) days of the date this order is ratified, shall complete and submit proof of completion of six (6) hours of professional development relating to professional boundaries and six (6) hours of professional development relating to record keeping. This professional development is in addition to the professional development hours required for license renewal. Respondent will pay all costs of the coursework.
3. Respondent shall be required to practice under the supervision of a practice monitor for a period of five (5) years from the date this order is ratified. Respondent shall, within fourteen (14) days of the date this order is ratified, submit to the Council or its designee for approval the name and qualifications of a marriage and family therapist supervisor who has agreed to serve as a practice monitor. The practice monitor shall (1) be a Texas-licensed marriage and family therapist supervisor with no record of disciplinary actions; (2) have no business, professional, personal, or other relationship with Respondent that would interfere with the practice monitor's function or duties; and (3) possess specialized knowledge, education and experience in the same field of practice as that of Respondent.

Once approved, the practice monitor shall submit to the Council or its designee a monitoring contract and plan by which Respondent's practice shall be monitored for compliance with ethical and legal practice standards, as well as the terms of this Order. Monitoring shall consist of at least one (1) hour of individual face-to-face meetings every week. The Respondent shall provide the practice monitor with a copy of this Order and access to Respondent's records. Respondent shall execute a release authorizing the practice monitor to divulge any information the Council or its designee may request.

It shall be Respondent's responsibility to assure the practice monitor submits written reports to the Council or its designee on a quarterly basis verifying that monitoring has taken place and providing an evaluation of Respondent's performance. At the Council's discretion, if any of these reports provides sufficient concern, the Council may impose further monitoring requirements and/or take other appropriate actions to ensure the safety of the public.

In the event Respondent's monitor indicates that Respondent is fit to practice marriage and family therapy, but makes recommendations concerning reasonable steps Respondent must or should take to enhance or maintain Respondent's fitness to practice marriage and family therapy, Respondent shall comply with any and all recommendations made by Respondent's monitor. If Respondent refuses or fails to follow the recommendations, Respondent agrees that Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review; pending further review of Respondent by the Council, or its designee.

If the monitor concludes there is sufficient concern or need to impose further requirements, restrictions, and/or take other appropriate actions to ensure the safety of the public the Council, or its designee, may do so at its own discretion. In the event Respondent refuses or fails to follow the additional requirements or restrictions imposed by the Council, or its designee, Respondent agrees that Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review; pending further review of Respondent by the Council, or its designee.

If the practice monitor cannot continue the monitoring engagement, Respondent shall get approval from the Council or its designee for a new practice monitor. If no new practice monitor is approved, Respondent shall not practice until a new practice monitor has been approved. If Respondent does not have at least one (1) hour of individual face-to-face supervision every week Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review, until supervision resumes and the practice monitor submits a report attesting to Respondent's fitness to provide marriage and family therapy services in safe and competent manner. During any period of suspension, non-practice, or non-supervision by a practice monitor, the five (5) year practice monitoring time period shall be tolled and shall not apply to the reduction of this required five (5) year practice monitoring time period. Respondent shall pay all costs associated with this practice monitoring requirement. **RESPONDENT AGREES THAT ANY FAILURE TO COMPLY WITH THE PRACTICE MONITORING REQUIREMENTS, OR ANY OTHER TERM IN THIS ORDER, SHALL CONSTITUTE IMMEDIATE GROUNDS FOR REVOCATION OF RESPONDENT'S LICENSE.**

### **WARNING**

**RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS**

**ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.**

**WAIVERS**

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

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

FOR THE RESPONDENT:

FOR THE STAFF OF THE COUNCIL:

*Usman Mughni*

Usman Mughni  
Marriage and Family Therapist  
License # 202698

*Brian Clark*

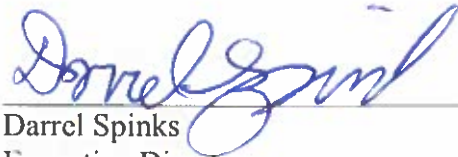
Brian Clark  
Texas Bar No. 24099457  
Staff Attorney  
Texas Behavioral Health Executive Council  
1801 Congress Ave., Suite 7.300  
Austin, Texas 78701

DATE SIGNED: 11/17/2023

DATE SIGNED: 11/27/23



APPROVED, RATIFIED, AND ENTERED THIS 28<sup>th</sup> DAY OF November, 2023.

A handwritten signature in blue ink, appearing to read "Darrel Spinks", written over a horizontal line.

Darrel Spinks  
Executive Director  
Texas Behavioral Health Executive Council

**COMPLAINT NO. 2023-00234**

**IN THE MATTER OF**

**JENNIFER PINKERTON**

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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 Jennifer Pinkerton ("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 - associate (#204805) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent failed to properly identify herself as a marriage and family therapist – associate by not including a statement with her supervisor’s name following her own.

**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 Rules 801.43(c)(2).

**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 (30) days of the date this order is ratified, an administrative penalty in the total amount of \$1,000.00; of which \$950.00 represents administrative costs and \$50.00 represents administrative penalty.

**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.**

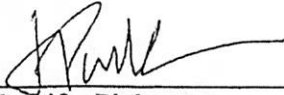
**WAIVERS**

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:

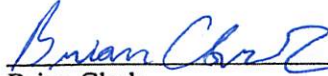
FOR THE STAFF OF THE COUNCIL:



Jennifer Pinkerton  
Marriage and Family Therapist-Associate  
License # 204805

*Clement atty for licensee  
Laurel Clement*

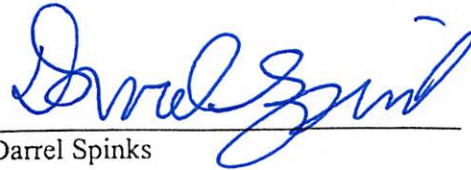
DATE SIGNED: 10/9/23



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

DATE SIGNED: 10/10/23

APPROVED, RATIFIED, AND ENTERED THIS 10th DAY OF October, 2023.



Darrel Spinks  
Executive Director  
Texas Behavioral Health Executive Council

<b>1st Quarter STATUS REPORT</b>	<b>1Q FY24 Sept 1, 2023 to Nov 30, 2023</b>	<b>4Q FY23 June 1, 2023 to Aug 31, 2023</b>	<b>3Q FY23 Mar 1, 2023 to May 31, 2023</b>	<b>2Q FY23 Dec 1, 2022 to Feb 28, 2023</b>
New Complaints Received	<b>143</b>	151	156	102
Pending Complaints	<b>431</b> TSBEP-195 TSBSWE-102 TSBEMFT-23 TSBEP-111	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
Pending Priority 1 Complaints (Imminent Physical Harm & Sexual Misconduct)	<b>43</b> TSBEP-24 TSBSWE-5 TSBEMFT-2 TSBEP-12	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
Agreed Orders Signed	<b>26</b>	25	31	29
Complaints Dismissed by Staff	<b>94</b>	105	87	140
Complaints Dismissed by member Boards	<b>0</b>	0	0	0
Total Complaints Resolved	<b>120</b>	130	118	169
Complaints Reviewed at an ISC	<b>48</b>	14	31	9
<b>Pending Cases by Fiscal Year</b>				
FY2019	<b>0</b>	0	1	2
FY2020	<b>5</b>	8	11	18
FY2021	<b>14</b>	17	32	37
FY2022	<b>50</b>	63	93	135
FY2023	<b>227</b>	319	248	155
FY2024	<b>135</b>	0	0	0
<b>Total</b>	<b>431</b>	407	385	347
<b>Compliance with Disciplinary Orders</b>				
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.	<b>50</b> TSBEP-25/1 TSBSWE-9/3 TSBEMFT-7/1 TSBEP-9	41 TSBEP-20/1 TSBSWE-7 TSBEMFT-6/1 TSBEP-8	47 TSBEP-26 TSBSWE-4 TSBEMFT-5/1 TSBEP-12	

Rule: 801.261. Requirements for Continuing Education

Action: Proposed Amendment

Comment: The proposed amendment adds one hour of crisis management to the required hours of continuing education needed for the renewal of a license.

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. Additionally, effective September 1, 2024, the 30 hours of continuing education must also include 1 hour of continuing education in crisis management.

(2) 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 and crisis management activities. 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.

(1) 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.

(2) Crisis management hours include, but are not limited to continuing education regarding suicidal ideation, homicidal ideation, abuse or neglect, domestic violence, crisis prevention, and crisis or disaster response.

(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) of 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 licensee with supervisor status;
  - (7) a hospital or hospital system, including any clinic, division, or department within a hospital or hospital system; or
  - (8) 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.
  - (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: 801.143. Supervisor Requirements

Action: Proposed Amendment

Comment: Amendments in yellow were proposed in the September 22, 2023 issue of the *Texas Register* and will be reviewed by the Board at the January 26, 2024 meeting for possible adoption.

Amendments in green are possible proposed changes for the Board to consider at the January 26, 2024 meeting. The changes in yellow can first be adopted, and then these changes in green can then be proposed in the *Texas Register*.

801.143. Supervisor Requirements.

(a) To apply for supervisor status, an LMFT must be in good standing and submit:

(1) an application and applicable fee;

(2) documentation of the completion of at least 3,000 hours of LMFT practice over a minimum of 3 years; and

(3) documentation of one of following:

(A) successful completion of a 3-semester-hour, graduate course in marriage and family therapy supervision from an accredited institution;

(B) a 40-hour continuing education course in clinical supervision; or

(C) successful completion of an American Association for Marriage and Family Therapy (AAMFT) approved Fundamentals of Supervision course.

(a) To apply for supervisor status, an LMFT in good standing must submit an application and applicable fee as well as documentation of the of 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) Upon execution of a Council order for probated suspension, suspension, or revocation of the LMFT license with supervisor status, the supervisor status is revoked. A licensee whose supervisor status is revoked must: 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) At a minimum, the 40-hour continuing education course in clinical supervision, referenced in subsection ~~(a)(3)(B)~~ ~~(a)(4)(B)~~ of this rule, must meet each of the following requirements:
  - (1) the course must be taught by a graduate-level licensee 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

Proposed Rule published in 9/22 *Texas Register*. No public comment received.

Preamble: Overview and Explanation of the Proposed Rule. The proposed amendment adds a definition for independent practice 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) 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.**

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- (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--

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- (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



Proposed Rule published in 9/22 *Texas Register*. No public comment received.

Preamble: Overview and Explanation of the Proposed Rule. 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;

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- (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.

Proposed Rule published in 9/22 *Texas Register*. Staff received public comment for this proposal.

Preamble: Overview and Explanation of the Proposed Rule. The proposed amendment increases the number 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.

Proposed Rule published in 9/22 *Texas Register*. No public comment received.

Preamble: Overview and Explanation of the Proposed Rule. 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)~~ 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) At a minimum, the 40-hour continuing education course in clinical supervision, referenced in subsection (a)(1)(B) of this rule, must meet each of the following requirements:
  - (1) the course must be taught by a graduate-level licensee 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.

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

Proposed Rule published in 9/22 *Texas Register*. No public comment received.

**Preamble:** Overview and Explanation of the Proposed Rule. The proposed new rule is necessary to correct a *Texas Register* submission error regarding the graphic chart. The same chart that was proposed in the August 5, 2022, issue of the *Texas Register* is currently being re-proposed, because unfortunately the chart adopted in the November 18, 2022, issue of the *Texas Register* was the previous chart. As stated previously in the preamble to the August 5th proposal, this proposed schedule of sanctions chart will more closely resemble the format used by the other behavioral health boards, which adopted this format to make their schedule of sanctions charts easier to use. There are some substantive changes being made to the current schedule of sanctions chart in effect, but again, these changes are the same as those proposed in the August 5, 2022, edition of the *Texas Register*; there are no changes being proposed that have not been reviewed and proposed by the member board. This proposed schedule of sanctions chart will align with the changes made to §801.302, which reduced the amount of severity levels from five to four by combining the two previous suspension levels into one. Therefore, violations of §§801.44(t) and (v), 801.47, and 801.57(e) will no longer be split between two types of suspension levels. Additionally, the sanction for §801.47 is being split between subsections (a) and (b), which are a suspension and revocation respectively. Section 801.44(s) - (v) has been updated to correspond more accurately to the correct rule and sanction. Amendments have been made to §801.143(h) - (l) so corresponding amendments have been made to match those changes. Lastly, some typographical errors are being corrected.

**§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.

Attached Graphic

Figure: 22 TAC §801.305

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



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

**TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL**  
**1st QUARTER MEASURES**  
**FY 2024**

Number of Licenses Renewed (from ald12)

LSSP	444
LIC	641
LPA	88
LPC	3541
MFT	449
LBSW	439
LMSW	1517
LCSW	1604
AP	17

Total 8,740

Number of Licenses Issued (from ald11 and BO)

LPA	14
PLP	99
LIC	121
LSSP	18
LPCA	685
LPC	154
LPC Upgrade	419
MFTA	80
MFT	46
MFT Upgrade	38
LBSW	52
LMSW	545
LCSW	126
LMSW Upgrade	32
LCSW Upgrade	282
TEMP SW	10

Total 2,721

**TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL**  
**1st QUARTER MEASURES**  
**FY 2024**

Number of Complaints Resolved (from BO report)

LP/LPA	22
LSSP	1
LPC	56
MFT	7
SW	33
Total	119

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

1 <sup>st</sup> Qtr	72/119 =	61%
2 <sup>nd</sup> Qtr		
3 <sup>rd</sup> Qtr		
4 <sup>th</sup> Qtr		
YTD	72/119 =	61%

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

1 <sup>st</sup> Qtr	26/119 =	22%
2 <sup>nd</sup> Qtr		
3 <sup>rd</sup> Qtr		
4 <sup>th</sup> Qtr		
YTD	26/119 =	22%

Average Time for Complaint Resolution (from BO report)

1 <sup>st</sup> Qtr	28,659 days to resolve 119 complaints = 240.83 days	
2 <sup>nd</sup> Qtr		
3 <sup>rd</sup> Qtr		
4 <sup>th</sup> Qtr		
YTD	28,659 days to resolve 119 complaints =	240.83 days

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

1 <sup>st</sup> Qtr	72,229 days to process 2,565 applications =	28.16 days
2 <sup>nd</sup> Qtr		
3 <sup>rd</sup> Qtr		
4 <sup>th</sup> Qtr		
YTD	72,229 days to process 2,565 applications =	28.16 days

Calculations reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_

<b>LPA Initial</b>	<b>871 days to process 29 applications =</b>	<b>30.04</b>
LPA Final	2544 days to process 14 applications =	181.72
<b>LIC Initial</b>	<b>4591 days to process 109 applications =</b>	<b>42.12</b>
LIC Final	22633 days to process 120 applications =	188.61
<b>LSSP</b>	<b>675 days to process 18 applications =</b>	<b>37.50</b>
Temp LIC	157 days to process 20 applications =	7.85
<b>LPC Initial</b>	<b>8279 days to process 154 applications =</b>	<b>53.76</b>
<b>LPCA Initial</b>	<b>23400 days to process 685 applications =</b>	<b>34.16</b>
<b>LPC Upgrade</b>	<b>6809 days to process 419 applications =</b>	<b>16.25</b>
<b>MFT License</b>	<b>2462 days to process 46 applications =</b>	<b>53.53</b>
MFTA License	12493 days to process 80 applications =	156.17
<b>MFTA Upgrade</b>	<b>355 days to process 38 applications =</b>	<b>9.35</b>
<b>SW License</b>	<b>10460 days to process 554 applications =</b>	<b>18.88</b>
<b>SW OOS License</b>	<b>8245 days to process 169 applications =</b>	<b>48.79</b>
<b>SW Upgrade</b>	<b>5610 days to process 314 applications =</b>	<b>17.87</b>
<b>Temp SW License</b>	<b>315 days to process 10 applications =</b>	<b>31.50</b>

- 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).
- Highlighted MFTA License measure has been removed from those in **BOLD** effective FY24, as we no longer have any control over when these applicants take the MFT exam.



**1st QUARTER PERFORMANCE MEASURES**

**FISCAL YEAR 2024**

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

by

**Texas Behavioral Health Executive  
Council**

  
\_\_\_\_\_  
Executive Director

December 29, 2023

  
\_\_\_\_\_  
Date

Efficiency/Output Measures with Cover Page and Update Explanation  
 88th Regular Session, Performance Reporting  
 Automated Budget and Evaluation System of Texas (ABEST)

12/29/2023 12:34:34PM

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2024 Target	2024 Actual	2024 YTD	Percent of Annual Target	Target Range
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**Output Measures**

1-1-1 LICENSING

1 # NEW LICENSEES ISSUED

Quarter 1	9,300.00	2,721.00	2,721.00	29.26 %	1,860.00 - 2,790.00
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2 # LICENSE RENEWALS

Quarter 1	29,000.00	8,740.00	8,740.00	30.14 % *	5,800.00 - 8,700.00
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY24 target for number of licenses renewed is 29,000, or 7,250 per quarter. During the first quarter of FY 24, the agency exceeded its target by renewing 8,740 licenses. As the agency's licensee population increases, the renewals will continue to increase.

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 the licensee is under audit or the agency hasn't received the licensee's 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. However, the agency believes this target will continue to be met or exceeded during the biennium.

2-1-1 ENFORCEMENT

1 COMPLAINTS RESOLVED

\* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation  
 88th Regular Session, Performance Reporting  
 Automated Budget and Evaluation System of Texas (ABEST)

12/29/2023 12:34:34PM

Agency code: 510 Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2024 Target	2024 Actual	2024 YTD	Percent of Annual Target	Target Range
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**Output Measures**

**1 COMPLAINTS RESOLVED**

<b>Quarter 1</b>	610.00	119.00	119.00	19.51 % *	122.00 - 183.00
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY24 target for number of complaints resolved is 610, or 152 per quarter. During the first quarter of FY 24, the agency fell slightly short of its target by resolving 119 complaints.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The agency had 431 pending complaints at the end of this quarter but is projected to receive 600 complaints throughout the fiscal year. While the investigatory time and resources needed to resolve a complaint vary according to the nature and type of complaint received, the agency believes it can meet, or closely approach, this target assuming it is able to maintain full or near-full staffing levels.

**2 COMPLAINTS PENDING**

<b>Quarter 1</b>	500.00	431.00	431.00	86.20 % *	475.00 - 525.00
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY24 target for number of complaints pending is 500. During the first quarter of FY 24, the agency bested this measure by only having 431 complaints pending.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The agency had 431 pending complaints at the end of this quarter but is projected to receive 600 complaints throughout the fiscal year. While the investigatory time and resources needed to resolve a complaint vary according to the nature and type of complaint received, the agency believes that this target will continue to be met or beat assuming the Council is able to maintain full or near-full staffing levels.

\* Varies by 5% or more from target.



Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2024 Target	2024 Actual	2024 YTD	Percent of Annual Target	Target Range
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**Efficiency Measures**

1-1-1 LICENSING

1 AVG TIME TO PROCESS APP (DAYS)

Quarter 1	55.00	28.16	28.16	51.20 % *	52.25 - 57.75
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY24 target for the average time for license issuance is 55 days. In the first quarter of FY 24, the agency bested this measure by having an average license issuance time of only 29 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for license issuance for FY 23 was 36 days. This number has now decreased to 29 days, due to the dedication and efficiency of the licensing staff. The agency believes that this target will continue to be met or beat assuming the Council is able to maintain full or close-to-full staffing levels.

2-1-1 ENFORCEMENT

1 AVG TIME/COMPLAINT RESOLUTION

\* Varies by 5% or more from target.

Agency code: **510**                      Agency name: **Behavioral Health Executive Council**

Type/Strategy/Measure	2024 Target	2024 Actual	2024 YTD	Percent of Annual Target	Target Range
<b>Efficiency Measures</b>					
1 AVG TIME/COMPLAINT RESOLUTION					
Quarter 1	625.00	240.83	240.83	38.53 % *	593.75 - 656.25

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY24 target for the average time for complaint resolution is 625 days. In the first quarter of FY 24, the agency bested this measure by having an average processing resolution time of 241 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for complaint resolution for FY 23 was 303 days. This number has now decreased to 241 days, due to the dedication and efficiency of the enforcement and legal staff. The agency believes that this target will continue to be met or beat assuming the Council is able to maintain full or close-to-full staffing levels.

\* Varies by 5% or more from target.