

2024 RULE REVIEW

MFT INITIAL FINDINGS

PROVISION NEEDING TO BE REPEALED



801.43 – PROFESSIONAL REPRESENTATION

- (f) A licensee may not encourage, or within the licensee's power, allow a client to hold exaggerated ideas about the efficacy of services provided by the licensee.
- (g) If a licensee learns of a misrepresentation, exaggerated, false, deceptive, or fraudulent claim or statement made by another, the licensee must take reasonable action to correct the misrepresentation, claim, or statement.

Unenforceable



801.44 – RELATIONSHIPS WITH CLIENTS

- (e) No commission or rebate or any other form of remuneration may be given or received by a licensee for the referral of clients for professional services. A licensee employed or under contract with a chemical dependency facility or a mental health facility must comply with the requirements in Texas Health and Safety Code, §164.006 (relating to Soliciting and Contracting with Certain Referral Sources). Compliance with Texas Health and Safety Code, Chapter 164 (relating to Treatment Facilities Marketing and Admission Practices) is not considered a violation of state law regarding illegal remuneration.

Oversteps agency jurisdiction

801.50 – CORPORATION AND BUSINESS NAME

When an assumed name is used in any practice of therapy, the name of the licensee must be listed in conjunction with the assumed name. An assumed name used by a licensee may not be false, deceptive, or misleading.

Governed by other law

801.53 – ADVERTISING AND ANNOUNCEMENTS

- (b) False, misleading, or deceptive advertising or advertising that is not readily subject to verification includes advertising that:
 - (8) makes a representation that is designed to take advantage of the fears or emotions of a particularly susceptible type of patient

Unenforceable

801.204 - LICENSING OF MILITARY SERVICE MEMBERS, MILITARY VETERANS, AND MILITARY SPOUSES

- (b) Licensed by another United States jurisdiction.
 - (1) 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, and has no disciplinary history, the academic (including the internship) and experience requirements shall be considered met.
 - (2) If an applicant has been licensed as an LMFT in another United States jurisdiction for less than two years immediately preceding the date the application is received, and has no disciplinary history, staff may grant one month of credit for every two months of independent marriage and family therapy practice toward any deficit in the academic internship or experience requirements.

Does not align with statute

801.303 – OTHER ACTIONS

- (2) A "Conditional Letter of Agreement" informs the licensee of the licensee's duties under the Act, the Council Act, or council rules, whether the conduct or omission complained of appears to violate such duties, and creating council-ordered conditions for the long-term resolution of the issues in the complaint. This "Conditional Letter of Agreement" specifies the immediate disposition of the complaint. The licensee is issued the "Conditional Letter of Agreement" by staff; a signature of agreement by the licensee is required. If the licensee fails to comply with all the council-ordered conditions in the specified time frame outlined in the "Conditional Letter of Agreement," staff will open a new complaint arising out of the non-compliance with a "Conditional Letter of Agreement" or the underlying conduct.

Oversteps agency authority

PROVISIONS NEEDING UPDATING AND STANDARDIZATION



COURT-RELATED PRACTICES

- 801.55 – Parenting Coordination
- 801.56 – Parenting Facilitation
- 801.57 – Child Custody Evaluations

Align with court jurisdiction

MILITARY-RELATED APPLICATIONS

- 801.204 - Licensing of Military Service Members, Military Veterans, and Military Spouses

Align with Occupations Code Chapter 55

BOARD MEETINGS, COMMITTEES, AGENDAS, ETC.

- 801.11 – The Board

Align internal operations

TELE-PRACTICE

- 801.2 – Definitions
- 801.44 – Relationships with Clients
- 801.58 – Technology-Assisted Services

Align terminology

PROVISIONS NEEDING BOARD CONSIDERATION



FUTURE CONSIDERATION

- 801.42 - Professional Therapeutic Services
 - Are (6) and (14) duplicative?
 - Should the phrase be “systems methods” or “systems, methods”?
- What is the scope of violations a licensee is required to report?
 - 801.43 – Professional Representation
 - 801.44 – Relationships with Clients
 - 801.48 – Record Keeping, Confidentiality, Release of Records, and Required Reporting
- 801.44 – Relationships with Clients
 - What are the necessary limits of relationships with former clients and relatives?
 - w/ 801.45 Sexual Misconduct
 - (k) – Should there be a requirement to protect from physical or emotional trauma in individual settings?
- 801.46 – Testing
 - Should the rule clearly state licensees are not allowed to administer projective tests?
- 801.47 – Drug and Alcohol Use
 - (b) – Should prohibition of encouraging drug use include supervisees?

FUTURE CONSIDERATION

- 801.53 – Advertising and Announcements
 - Should the rule include language related to websites and social media?
 - (f) – should the rule include a temporary license?
- 801.54 – Research and Publications
 - (a) – clarify the level of responsibility for licensee versus informed consent of risks
- 801.112 - General Academic Requirements
 - (e) – Should courses require a “B”?
- 801.114 – Academic Course Content
 - Review to confirm desired course/clinical requirements and relationship to national accreditation
- 801.142 - Supervised Clinical Experience Requirements and Conditions
 - (d) - What is the necessary minimum time period for supervised experience?
- 801.261 – Requirements for Continuing Education
 - Review to confirm desired continuing education
- 801.305 – Schedule of Sanctions
 - Review to confirm desired penalty levels

