

# Texas State Board of Examiners of Marriage and Family Therapists

Board Meeting Agenda for September 27, 2024, 1 p.m.

The September 27, 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 4.300, Austin, Texas 78701. In the event of internet connectivity problems, the physical meeting location will be moved to 1801 Congress Avenue, Suite 7.102 or 7.301, Austin, Texas 78701. These alternate locations will be open to the public, but seating is limited to first come, first served. Due to the size of these alternate meeting rooms, public seating will be limited by their relative occupancy ratings.

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/86111668400> 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/BzguBt6SJL>. 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 SEPTEMBER 27, 2024, 1 P.M.**

1. Call meeting to order.
2. Approval of minutes of the July 19, 2024, videoconference Board meeting.
3. Board review and possible action regarding appeals of application for licensure denials.
4. Board review and possible action regarding agreed orders to be executed by the Board.

5. Board review and possible action regarding contested cases from the State Office of Administrative Hearings (SOAH).
6. Report of agreed orders executed by the Council's Executive Director.
7. Report of cases dismissed by the Council's Executive Director.
8. Status report of quarterly enforcement case activities.
9. Discussion and possible action approving the final results of the agency's quadrennial rule review, including consideration of public comments received in writing and during the July 26, 2024, virtual town hall.
10. Public Comment.
11. 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. Bartee.
  - E. Report from Rules Committee Chair Dr. Merchant.
12. Discussion and possible action regarding public comment on proposed changes in Title 22 of the Texas Administrative Code, published in the August 2, 2024, *Texas Register*:
  - A. [§801.114](#) *Academic Course Content*,
  - B. Repeal [§801.115](#) *Academic Requirements and Supervised Clinical Internship Equivalency for Applicants Currently Licensed as an LMFT in Another Jurisdiction*,
  - C. [§801.142](#) *Supervised Clinical Experience Requirements and Conditions*, and
  - D. [§801.201](#) *Temporary License*.
13. Discussion and possible action concerning repeal of rules and corresponding changes to the schedule of sanctions, recommended during quadrennial rule review process, in Title 22 of the Texas Administrative Code,
  - A. [§801.43\(f\) and \(g\)](#) *Professional Representation*,
  - B. [§801.44\(e\)](#) *Relationships with Clients*,
  - C. [§801.50](#) *Corporation and Business Names*,
  - D. [§801.53\(b\)\(8\)](#) *Advertising and Announcements*,
  - E. [§801.204\(b\)\(1\) and \(2\)](#) *Licensing of Military Service Members, Military Veterans, and Military Spouses*,
  - F. [§801.303\(2\)](#) *Other Actions*, and
  - G. [§801.305](#) *Schedule of Sanctions*.
14. 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.
15. 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.
16. Report from the Board Administrator concerning operations, organization, and staffing; workload processing and statistical information; status of rulemaking; customer service accomplishments, inquiries, and challenges; media, legislative, and stakeholder contacts and concerns; special projects; and general information regarding the routine functioning of the program.

17. Discussion and possible action to define request to the Council and its member boards concerning publication or posting of information to assist consumers in differentiating types of mental and relationship health professionals.
18. Discussion and possible action regarding future priorities and activities of the Board.
19. Announcements and comments not requiring Board action, such as statements regarding conferences and other recent or upcoming events.
20. Adjournment.

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

CONTACT: Sarah Faszholz, Board Administrator  
Texas State Board of Examiners of Marriage and Family Therapists  
Visit BHEC's Contact Us webpage at <https://www.bhec.texas.gov/contact-us/index.html> and select "Administration and Executive Leadership" from the drop-down menu to send an email.

**Addendum: Additional Videoconference and Telephone Conference Call Information**

When: Sep 27, 2024 01:00 PM Central Time (US and Canada)

Topic: Texas State Board of Examiners of Marriage and Family Therapists' September 27, 2024 meeting

**Please click the link below to join the webinar: <https://us02web.zoom.us/j/86111668400>**

Or One tap mobile :

+13462487799,,86111668400# US (Houston)

+12532050468,,86111668400# US

Or Telephone:

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

+1 346 248 7799 US (Houston)

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 669 444 9171 US

+1 669 900 9128 US (San Jose)

+1 719 359 4580 US

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 646 558 8656 US (New York)

+1 646 931 3860 US

+1 689 278 1000 US

+1 301 715 8592 US (Washington DC)

Webinar ID: 861 1166 8400

International numbers available: <https://us02web.zoom.us/j/86111668400>

**COMPLAINT NO. 2024-00184**

~~T.B.H.E.C.~~

**IN THE MATTER OF**

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**BEFORE THE TEXAS BEHAVIORAL  
HEALTH EXECUTIVE COUNCIL**

**JAMES BALLARD**

**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 James Ballard (“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 (#202190) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent’s license became delinquent on January 16, 2020 and expired on January 16, 2021.
3. Respondent engaged in the practice of marriage and family therapy without a valid license from January 16, 2020 to December 18, 2023.

**CONCLUSIONS OF LAW**

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 502 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 35 and 41.
2. Violation of the Council’s Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§502.351, 507.301, and 507.351 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated Council Rule 882.23(a) and Acts 502.251(a), (b), and (c).



**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 \$3,500.00; of which \$3,000.00 represents administrative costs and \$500.00 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.**

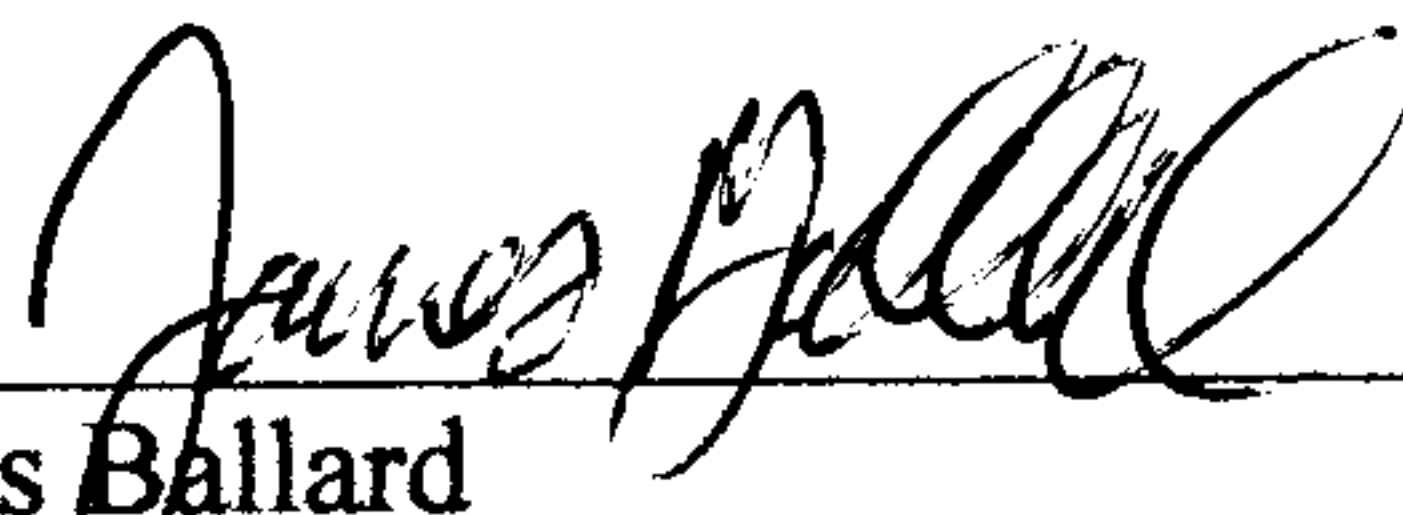
**WAIVERS**

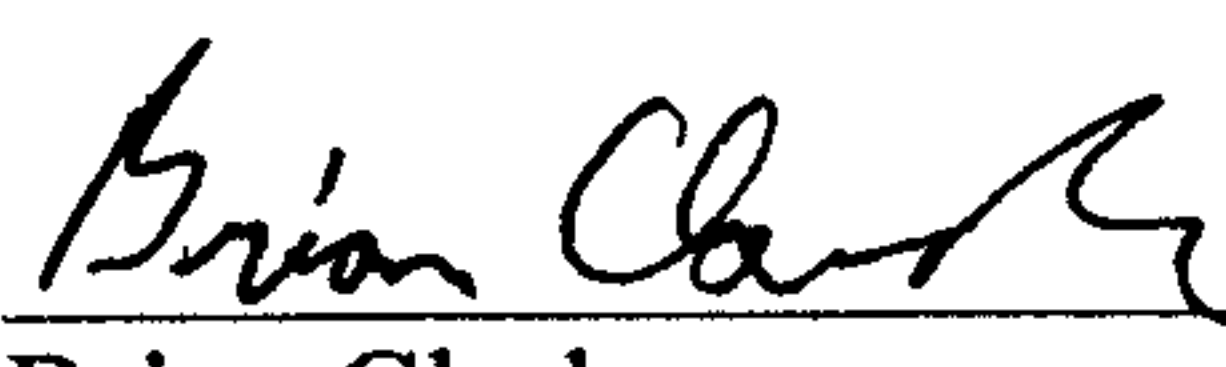
On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange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

  
\_\_\_\_\_  
James Ballard  
Marriage and Family Therapist  
License #2024-00184

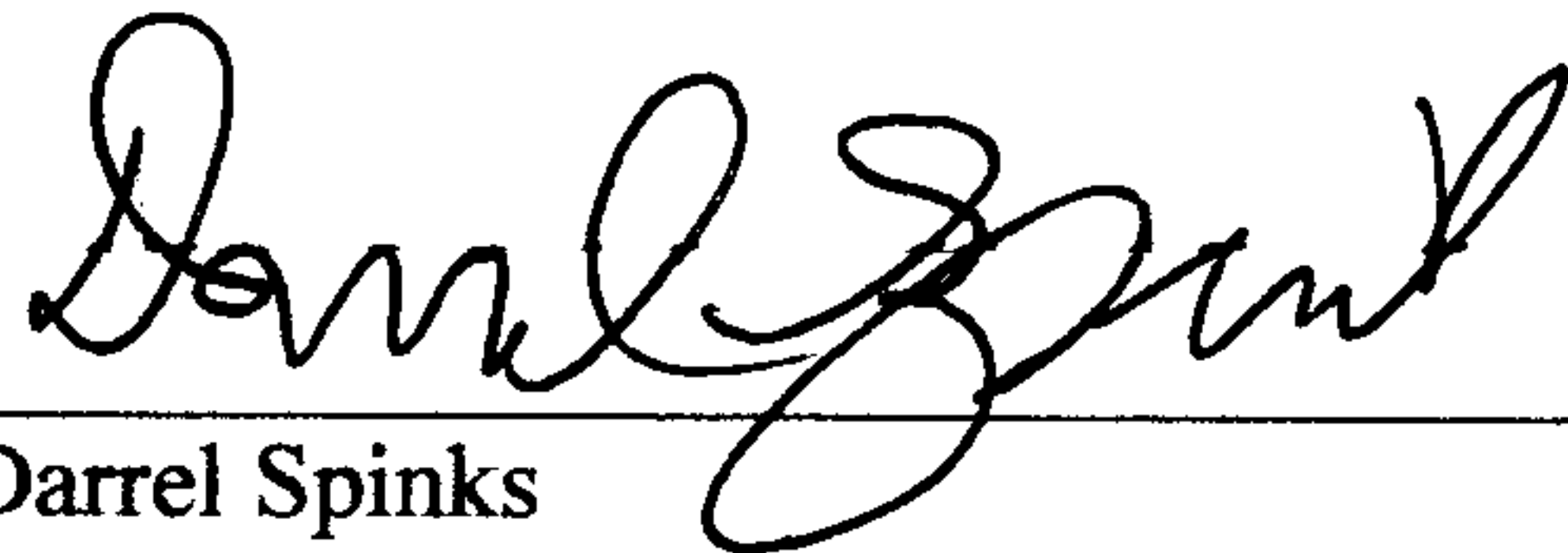
  
\_\_\_\_\_  
Brian Clark  
Texas Bar No. 24099457  
Staff Attorney  
Texas Behavioral Health Executive Council  
1801 Congress Ave., Suite 7.300

Austin, Texas 78701

DATE SIGNED: 6/12/2024

DATE SIGNED: 6/26/24

APPROVED, RATIFIED, AND ENTERED THIS 27<sup>th</sup> DAY OF June, 2024.



Darrel Spinks  
Executive Director  
Texas Behavioral Health Executive Council



**COMPLAINT NO. 2024-00212**

**IN THE MATTER OF**

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**BEFORE THE TEXAS BEHAVIORAL  
HEALTH EXECUTIVE COUNCIL**

**JOHN WATTERSON**

**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 John Watterson ("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 (#2664) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent engaged in sexual contact with a person who was a former client.

**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 801.45(b)(1).



**ORDER**

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

1. Respondent, by signing this Agreed Order, hereby voluntarily and permanently **RESIGNS** his or her license (#2664) in lieu of further adjudication by the Council on these matters.
2. Respondent shall return his or her license to the Council no later than fourteen (14) days after the date this order is ratified.
3. The Council will not consider an application for licensure from Respondent and Respondent agrees not to apply for any new license from the Council for ten (10) years from the effective date of this Order.
4. If Respondent seeks to apply for a license with the Council in the future, and the Council is willing to reinstate the license, Respondent will be subject to conditions of eligibility to be imposed by the Council at that time.

**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.

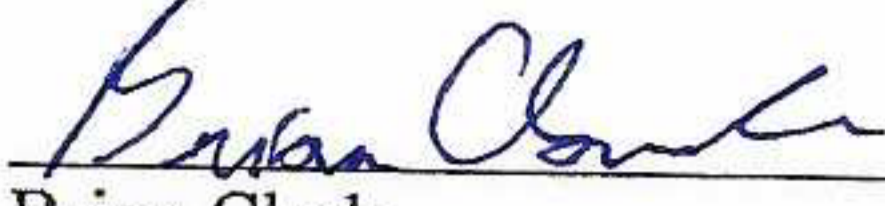
THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES 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:


  
John Watterson  
Marriage and Family Therapist  
License #2664

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

DATE SIGNED: May 31, 2024

DATE SIGNED: 6/4/24

APPROVED, RATIFIED, AND ENTERED THIS 5<sup>th</sup> DAY OF June, 2024.

  
Darrel Spinks  
Executive Director  
Texas Behavioral Health Executive Council

<b>4th Quarter FY24 STATUS REPORT</b>	<b>4Q FY24 Jun 1, 2024 to Aug 31, 2024</b>	<b>3Q FY24 Mar 1, 2024 to May 31, 2024</b>	<b>2Q FY24 Dec 1, 2023 to Feb 29, 2024</b>	<b>1Q FY24 Sep 1, 2023 to Nov 30, 2023</b>
New Complaints Received	<b>136</b>	173	185	144
Pending Complaints	<b>547</b> TSBEP-279 TSBSWE-133 TSBEMFT-25 TSBEP-110	590 TSBEP-293 TSBSWE-142 TSBEMFT-35 TSBEP-120	512 TSBEP-237 TSBSWE-125 TSBEMFT-34 TSBEP-116	431 TSBEP-195 TSBSWE-102 TSBEMFT-23 TSBEP-111
Pending Priority 1 Complaints (Imminent Physical Harm & Sexual Misconduct)	<b>64</b> TSBEP-41 TSBSWE-14 TSBEMFT-2 TSBEP-7	58 TSBEP-39 TSBSWE-6 TSBEMFT-3 TSBEP-10	49 TSBEP-27 TSBSWE-6 TSBEMFT-6 TSBEP-10	43 TSBEP-24 TSBSWE-5 TSBEMFT-2 TSBEP-12
Agreed Orders Signed	<b>16</b>	19	16	26
Complaints Dismissed by Staff	<b>148</b>	75	89	94
Complaints Dismissed by Member Boards	<b>0</b>	0	0	0
Total Complaints Resolved	<b>166</b>	94	105	120
Complaints Reviewed at an ISC	<b>23</b>	43	15	23
<b>Pending Cases by Fiscal Year</b>				
FY2020	<b>0</b>	0	5	5
FY2021	<b>5</b>	5	12	14
FY2022	<b>9</b>	19	33	50
FY2023	<b>97</b>	150	176	227
FY2024	<b>436</b>	416	286	135
<b>Total</b>	<b>547</b>	590	512	431
<b>Compliance with Disciplinary Orders</b> [total / non-compliant]				
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>42</b> TSBEP-24/0 TSBSWE-5/0 TSBEMFT-4/1 TSBEP-9/1	44 TSBEP-24/0 TSBSWE-6/0 TSBEMFT-6/0 TSBEP-8/0	44 TSBEP-23/2 TSBSWE-7 TSBEMFT-5/1 TSBEP-9	50 TSBEP-25/1 TSBSWE-9/3 TSBEMFT-7/1 TSBEP-9

# 2024 RULE REVIEW

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MFT RULE REVIEW FINAL FINDINGS



# PROVISION NEEDING TO BE REPEALED

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# 801.43 – PROFESSIONAL REPRESENTATION

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- (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

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- (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

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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

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- (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

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- (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

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- (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

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# COURT-RELATED PRACTICES

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

*Align with court jurisdiction*

# MILITARY-RELATED APPLICATIONS

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

*Align with Occupations Code Chapter 55*

# BOARD MEETINGS, COMMITTEES, AGENDAS, ETC.

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- 801.11 – The Board

*Align internal operations*

# TELE-PRACTICE

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

*Align terminology*



# PROVISIONS NEEDING BOARD CONSIDERATION

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Includes topics raised by public comment

# FUTURE CONSIDERATION

- 801.42 - Professional Therapeutic Services
  - Are (6) and (14) duplicative?
  - Should the phrase be “systems methods” or “systems, methods”?
  - Role of coaching in and out of licensed practice
- 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?
  - Definition for counting hours/months
  - Cap on teletherapy
  - Necessary minimums for experience requirement
- 801.261 – Requirements for Continuing Education
  - Review to confirm desired continuing education
- 801.305 – Schedule of Sanctions
  - Review to confirm desired penalty levels

Rule: 801.114. Academic Course Content

Action: Proposed Amendments

Comment: The adopted amendments have been made so the rule will better align with Section 502.252 of the Occupations Code.

§801.114. Academic Course Content.

(a) An applicant who holds a graduate degree in a mental health-related field must have course work in each of the following areas:

- (1) theoretical foundations of marriage and family therapy--three semester hours;
- (2) assessment and treatment in marriage and family therapy--12 semester hours;
- (3) human development, gender, multicultural issues and family studies--six semester hours;
- (4) psychopathology--three semester hours;
- (5) professional ethics--three semester hours;
- (6) applied professional research--three semester hours; and
- (7) supervised clinical internship--12 months or nine semester hours.

(b) An applicant who begins a graduate degree program in marriage and family therapy or a mental health-related field on or after August 1, 2017, must complete course work and the minimum required semester hours in each of the following areas (the earliest class reported on one of an applicant's official transcripts denotes the start of a program):

- (1) theoretical knowledge and foundations of marriage and family therapy--three semester hours--including the historical development, theoretical and empirical foundations, and contemporary conceptual directions of the field of marriage and family therapy;
- (2) assessment and treatment in marriage and family therapy--12 semester hours--including but is not limited to treatment approaches specifically designed for use with a wide range of diverse couples, families, and children, including sex therapy, same



sex couples, young children, adolescents, interfaith couples, crisis intervention, and elderly;

- (3) human development, gender, multicultural issues and family studies--six semester hours;
  - (4) psychopathology--three semester hours--including traditional psycho-diagnostic categories including knowledge and use of the Diagnostic and Statistical Manual of Mental Disorders;
  - (5) professional ethics--three semester hours--including professional identity of the marriage, couple, and family therapist, including professional socialization, scope of practice, professional organizations, licensure and certification; and ethical issues related to the profession of marriage, couple, and family therapy as well as the practice of individual therapy;
  - (6) applied professional research--three semester hours--including research evidence related to MFT, becoming an informed consumer of research, and research and evaluation methods;
  - (7) treatment of addictions and management of crisis situations--no minimum requirements;
  - (8) supervised clinical internship--12 months or nine semester hours. During the supervised clinical internship, the applicant must have 300 hours of experience, of which:
    - (A) at least 150 hours must be direct client contact hours; and
    - (B) of the 150 direct client contact hours, at least 75 hours must be direct client contact with couples and families.
- (c) The remaining courses needed to meet the 45 or 60 graduate semester hour requirement must be marriage and family therapy or related course work in areas directly supporting the development of an applicant's professional marriage and family, individual, or group therapy skills.
- (d) ~~Staff may issue an LMFT Associate license to an applicant who has a deficiency in pre-graduate internship months, semester hours, or clock hours required by subsection (a)(7) or (b)(8) of this section, but must require the applicant to complete the deficient months, semester hours, or clock hours in addition to the post-graduate, licensed supervised clinical experience requirements in §801.142 of this title (relating to Supervised Clinical Experience Requirements and Conditions) before awarding an LMFT license to that applicant.~~

Rule: 801.115. Academic Requirements and Supervised Clinical Internship Equivalency for Applicants Currently Licensed as an LMFT in Another Jurisdiction

Action: Adopted Repeal

Comment: The adopted repeal has been made so the licensing rules better align with Chapter 502 of the Occupations Code.

~~§801.115. Academic Requirements and Supervised Clinical Internship Equivalency for Applicants Currently Licensed as an LMFT in Another Jurisdiction.~~

~~An applicant currently licensed as a marriage and family therapist in another jurisdiction of the United States who does not meet the academic requirements in §801.114 of this title (relating to Academic Course Content) may be considered to have met the requirements according to the following:~~

- ~~(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, the academic requirements (including the internship) are considered met.~~
- ~~(2) If an applicant has been licensed as an LMFT in another United States jurisdiction for less than two consecutive years immediately preceding the date the application is received, 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 requirement.~~

Rule: 801.142. Supervised Clinical Experience Requirements and Conditions

Action: Proposed Amendment

Comment: The adopted amendments change the amount of supervision hours that may be counted towards licensure that are provided by telephone. Additionally, amendments have been made so the rule will better align with Section 502.252 of the Occupations Code.

§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 hours must include at least 1,500 hours providing direct clinical services, of which:

~~(A) at least 1,500 hours providing direct clinical services, of which:~~

~~(A)(i) no more than 750 hours may be provided via technology-assisted services (as approved by the supervisor); and~~

~~(B)(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 must obtain a minimum of 200 hours of supervision by an LMFT-S during the required 3,000 hours, and at least 100 of these hours must be individual supervision.

~~(3) An LMFT Associate, when providing services, must receive a minimum of one hour of supervision every week, except for good cause shown.~~

(A) An LMFT Associate, when providing services, must receive a minimum of one hour of supervision every week, except for good cause shown.

(B) Supervision may be provided in person or by live video or, if the supervisor determines that in-person or live video supervision is not accessible, by telephone.

(C) An LMFT Associate may apply up to 100 graduate internship supervision hours toward the required 200 hours of supervision required for licensure as an LMFT.

(4) For an LMFT applicant who begins the graduate degree program used for their license application before September 1, 2025, staff 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 §882.4 (relating to Application Process).~~

~~(9)(10)~~ Applicants with a master's degree that qualifies under §§801.112 and 801.113 may count any supervision and experience (e.g., practicum, internship, externship) completed after conferral of the master's degree and as part of a doctoral program, toward the supervision and experience requirements set out in §801.142. A

doctoral program must lead to a degree that qualifies under §§801.112 and 801.113 before the Council will award credit for supervision and experience under this provision.

Rule: §801.201. Temporary License.

Action: Adopted New Rule

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

§801.201. Temporary License.

- (a) A temporary license may be issued to an applicant seeking to practice in this state for a limited time and purpose. To be eligible for temporary licensure, an applicant must:
  - (1) submit a completed application for temporary licensure;
  - (2) pay the application fee;
  - (3) submit proof that the applicant is actively licensed, certified, or registered to practice independently, without supervision, as a marriage and family therapist by another jurisdiction; and
  - (4) submit documentation indicating that the applicant is in good standing with that jurisdiction.
- (b) Applicants meeting the requirements for temporary licensure shall be granted a temporary license authorizing the delivery of marriage and family therapy services for no more than thirty (30) days. Upon utilization of the full thirty days, or the expiration of one year from the date of licensure, whichever occurs first, the temporary license shall expire.
- (c) Upon utilization of the full thirty days, or the expiration of one year from the date of licensure, whichever occurs first, the temporary licensee must submit written notification to the Council of the dates the licensee delivered marriage and family therapy services in this state.
- (d) Temporary licensees are subject to all applicable laws governing the practice of marriage and family therapy in this state, including the Licensed Marriage and Family Therapist Act and Council rules.
- (e) An applicant for permanent licensure in this state is not eligible for temporary licensure. Upon receipt of an application for permanent licensure by a temporary license holder, any temporary license held by an applicant shall expire without further action or notice by the Council.



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

Rule: 801.43. Professional Representation.

Action: Proposed Amendment

Comment: The proposed amendment will remove language identified during the quadrennial rule review as potentially unenforceable, while not changing the substantive requirement that a licensee not make or benefit from false, misleading, deceptive, fraudulent, or exaggerated claims.

§801.43. Professional Representation.

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

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

Rule: 801.44. Relationships with Clients

Action: Proposed Amendment

Comment: The proposed amendment will remove language identified during the quadrennial rule review as outside the agency's jurisdiction.

§801.44. Relationships with Clients.

- (a) A licensee must provide marriage and family therapy professional services only in the context of a professional relationship.
- (b) A licensee must make known in writing to a prospective client the important aspects of the professional relationship, including the licensee's status as an LMFT or LMFT Associate, any probationary status or other restrictions placed on the licensee by the council, office procedures, after-hours coverage, fees, and arrangements for payment (which might affect the client's decision to enter into the relationship).
- (c) A licensee must obtain an appropriate consent for treatment before providing professional services. A licensee must make reasonable efforts to determine whether the conservatorship, guardianship, or parental rights of the client have been modified by a court. Before the commencement of therapy services to a minor client who is named in a custody agreement or court order, a licensee must obtain and review a current copy of the custody agreement or court order in a suit affecting the parent-child relationship. A licensee must maintain these documents in the client's record. When federal or state statutes provide an exemption to secure consent of a parent or guardian before providing services to a minor, such as in Texas Family Code, Chapter 32 (relating to Consent to Treatment of Child by Non-Parent or Child), a licensee must follow the protocol set forth in such federal or state statutes.
- (d) A licensee must make known in writing to a prospective client the confidential nature of the client's disclosures and the clinical record, including the legal limitations of the confidentiality of the mental health record and information.
- (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.~~

- (f) A licensee may not exploit the licensee's position of trust with a client or former client.
- (g) A licensee may not engage in activities that seek to meet the licensee's personal needs instead of the needs of the client.
- (h) A licensee may not provide marriage and family therapy services to family members, personal friends, educational associates, business associates, or others whose welfare might be jeopardized by such a dual relationship.
- (i) A licensee must set and maintain professional boundaries with clients and former clients.
- (j) A licensee may disclose confidential information to medical or law enforcement personnel if the licensee determines there is a probability of imminent physical injury by the client to the client or others or there is a probability of immediate mental or emotional injury to the client.
- (k) In group therapy settings, the licensee must take reasonable precautions to protect individuals from physical or emotional trauma resulting from interaction within the group.
- (l) A licensee must make a reasonable effort to avoid non-therapeutic relationships with clients or former clients. A non-therapeutic relationship is an activity begun by either the licensee, the client, or former client for the purposes of establishing a social, business, or other relationship not related to therapy. A licensee must ensure the welfare of the client or former client if a non-therapeutic relationship arises.
- (m) A licensee may not bill clients or third parties for services not actually rendered or as agreed to in writing.
- (n) A licensee must end a professional relationship when it is reasonably clear the client is not benefiting from it. Upon ending a professional relationship, if the client still requires mental health services, the licensee must make reasonable efforts to provide a written referral to clients for appropriate services and to facilitate the transfer to appropriate care.
- (o) A licensee who engages in technology-assisted services must provide the client with the licensee's license number and information on how to contact the council by telephone, electronic communication, or mail. The licensee must comply with all other provisions of this chapter.



- (p) A licensee may not offer services that are beyond the licensee's professional competency, and the services provided must be within accepted professional standards of practice and appropriate to the needs of the client. In emerging areas in which generally recognized standards for preparatory training do not exist, licensees must take reasonable steps to ensure the competence of their work and to protect clients, research participants, and other affected individuals from the potential for harm.
- (q) A licensee must base all services on an assessment, evaluation, or diagnosis of the client.
- (r) A licensee must evaluate a client's progress on a continuing basis to guide service delivery and must make use of supervision and consultation as indicated by the client's needs.
- (s) A licensee may not knowingly offer or provide professional services to an individual concurrently receiving professional services from another mental health services provider except with that provider's knowledge. If a licensee learns of such concurrent professional services, the licensee must take immediate and reasonable action to inform the other mental health services provider.
- (t) A licensee may not aid or abet the unlicensed practice of marriage and family therapy services by a person required to be licensed under the Act. A licensee must report to the council knowledge of any unlicensed practice.
- (u) A licensee may not enter into a non-professional relationship with a client's family member or any person having a personal or professional relationship with a client, if the licensee knows or reasonably should have known such a relationship could be detrimental to the client.
- (v) A licensee must refrain from providing services when they know or should know that their physical or mental health or lack of objectivity are likely to impair their competency or harm a client or other person with whom they have a professional relationship

Rule: 801.50. Corporation and Business Names

Action: Proposed Repeal

Comment: The proposed repeal will remove language identified during the quadrennial rule review as potentially in conflict with the Texas Business and Commerce Code, while not changing the substantive requirement in other rules that a licensee not make or benefit from false, misleading, deceptive, fraudulent, or exaggerated claims.

~~§801.50. Corporation and Business Names. 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.~~

Rule: 801.53. Advertising and Announcements.

Action: Proposed Amendment

Comment: The proposed amendment will remove language identified during the quadrennial rule review as potentially unenforceable, while not changing the substantive requirement that a licensee not make or benefit from false, misleading, or deceptive advertising.

§801.53. Advertising and Announcements.

- (a) Information used by a licensee in any advertisement or announcement of services may not contain information which is false, misleading, deceptive, inaccurate, incomplete, out of context, or not readily verifiable. Advertising includes any announcement of services, letterhead, business cards, commercial products, and billing statements. Only the highest academic degree earned from an accredited college or university or only the highest academic degree earned at a foreign university that has been determined to be equivalent to a degree from an accredited institution or program by a member of the National Association of Credential Evaluation Services and relevant to the profession of therapy or a therapy-related field shall be used when advertising or announcing therapeutic services to the public or in therapy-related professional representations. A licensee may advertise or announce his or her other degrees or equivalent degrees earned at foreign institutions from accredited colleges or universities if the subject of the degree is specified.
- (b) False, misleading, or deceptive advertising or advertising that is not readily subject to verification includes advertising that:
  - (1) makes any material misrepresentation of fact or omits a fact necessary to make the statement as a whole not materially misleading;
  - (2) makes any representation likely to create an unjustified expectation about the results of a health care service or procedure;
  - (3) compares a health care professional's services with another health care professional's services unless the comparison can be factually substantiated;
  - (4) contains a testimonial that includes false, deceptive, or misleading statements, or fails to include disclaimers or warnings as to the credentials of the person making the testimonial;

- (5) causes confusion or misunderstanding as to the credentials, education, or licensure of a health care professional;
  - (6) advertises or represents that health care insurance deductibles or co-payments may be waived or are not applicable to health care services to be provided if the deductibles or co-payments are required;
  - (7) advertises or represents that the benefits of a health benefit plan will be accepted as full payment when deductibles or co-payments are required; or
  - ~~(8) makes a representation that is designed to take advantage of the fears or emotions of a particularly susceptible type of patient; or~~
  - (8)(9) advertises or represents in the use of a professional name a title or professional identification that is expressly or commonly reserved to or used by another profession or professional.
- (c) The council imposes no restrictions on advertising by a licensee with regard to the use of any medium, the licensee's personal appearance, or the use of his or her personal voice, the size or duration of an advertisement by a licensee, or the use of a trade name. A licensee who retains or hires others to advertise or promote the licensee's practice remains responsible for the statements and representations made.
- (d) All advertisements or announcements of therapeutic services including telephone directory listings by a licensee must clearly state his or her license status by the use of a title such as "Licensed Marriage and Family Therapist," "LMFT," "Licensed Marriage and Family Therapist Associate," "LMFT Associate," "Licensed Marriage and Family Therapist Supervisor," "LMFT-S," or "LMFT Supervisor."
- (e) A licensee may not include in advertising or announcements any information or any reference to certification in a field outside of therapy or membership in any organization that may be confusing or misleading to the public as to the services or legal recognition of the licensee.
- (f) An LMFT or LMFT Associate holding a provisional license must indicate the provisional status on all advertisements, billing, and announcements of treatment by the use of the term "Provisional Licensed Marriage and Family Therapist" or "Provisional Licensed Marriage and Family Therapist Associate," as appropriate.
- (g) If a licensee becomes aware of a misuse of licensee's license certificate or misrepresentation of a licensee's services or the results of licensee's

services, the licensee must report the misuse or misrepresentation to the Council within 30 days of becoming aware of the misuse or misrepresentation



Rule: 801.204. Licensing of Military Service Members, Military Veterans, and Military Spouses.

Action: Proposed Amendment

Comment: The proposed amendment will remove language identified during the quadrennial rule review as not comporting with the agency's statute.

§801.204. Licensing of Military Service Members, Military Veterans, and Military Spouses.

(a) An applicant for licensure under this section must comply with Council §882.60 of this title (relating to Special Provisions Applying to Military Service Members, Veterans, and 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.~~

~~(b)(e)~~ Upon request, an applicant must provide acceptable proof of current licensure issued by another jurisdiction. Upon request, the applicant must provide proof that the licensing requirements of that jurisdiction are substantially equivalent to the licensing requirements of this state.

~~(c)(d)~~ For an application for a license submitted by a verified military service member or military veteran, the applicant will receive credit towards any licensing or apprenticeship requirements, except an examination requirement, for verified military service, training, or education relevant to the occupation, unless he or she holds a restricted license issued by another jurisdiction or if he or she has a disqualifying criminal history as described by the Act, the Council Act, or Council rules

Rule: 801.303. Other Actions.

Action: Proposed Amendment

Comment: The proposed amendment will remove language identified during the quadrennial rule review as not comporting with the agency's statute.

§801.303. Other Actions. A complaint may be resolved by issuance of a warning letter ~~or a conditional letter of agreement which does not involve a formal disciplinary action.~~ (1) A warning letter informs the licensee of the licensee's duties under the Act, the Council Act, or council rules and whether the council has a concern about the circumstances surrounding the complaint.

~~(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.~~

Rule: 801.305. Schedule of Sanctions.

Action: Proposed Amendment

Comment: The proposed amendment would update the schedule of sanctions to reflect amendments proposed in other rules.

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

Figure: 22 TAC §801.305

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

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

Update of Council's Activities

Affecting 22 TAC, the Council's rulemaking actions taken at its June 25, 2024, meeting included the following proposed rules. Proposed rules were published in the August 2, 2024, *Texas Register* with public comment ending at 5 p.m. on September 1, 2024. Staff received public comment concerning §§882.14, 882.21, and 884.10. The Council will review public comment when it next convenes on October 15, 2024.

- A. [§882.14](#) *Petition for Waiver or Remediation of Deficiency* – to authorize the Council through its member boards to accept remediation of any licensing requirement that is not required by statute or federal law
- B. [§882.21](#) *License Statuses* – to update the definition of inactive and delinquent licenses to ensure a license with a pending disciplinary complaint or investigation does not expire until after the complaint has been resolved and to clarify which license statuses allow practice and the process for requesting retirement of a license.
- C. [§884.10](#) *Investigation of Complaints* – to allow Council staff to close without investigation a complaint that lacks sufficient evidence to identify a violation or where the complainant is uncooperative.
- D. [§884.60](#) *Depositions, Subpoenas, and Witness Expenses* ([repeal](#) and replace) – to clarify agency procedures for the issuance of subpoenas and commissions for depositions during a contested case at SOAH.
- E. [§885.1](#) *Executive Council Fees* – to clarify that only individuals eligible to reinstate an expired license may apply for reinstatement, the requirements for receiving waiver of certain fees for military service-related applicants, fee components for application to upgrade an LMFT Associate license, for reciprocity psychology applications, and for examinations; to remove fees for an LMFT Associate license renewal or extension, which are no longer authorized under agency rules, and for a mailing list the agency no longer provides; and to create a \$103 fee for temporary MFT license.