

TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS



MEMBERS OF THE BOARD

Steven Hallbauer, Board Chair
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Dr. Loretta J. Bradley, LPC-S
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Dr. Janie Stubblefield, LPC-S
Jenn Winston

Cristina De Luna
Board Administrator

TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS FULL BOARD MEETING AGENDA Friday, January 31, 2025 9:00 a.m.

The January 31, 2025 meeting of the Texas State Board of Examiners of Professional Counselors will be held by videoconference call, as authorized under Texas Government Code §551.127. The presiding officer will be physically present at 1801 Congress Avenue, Suite 7.102, Austin, Texas 78701 which will be open to the public. In the event of internet connectivity problems, the physical meeting location will be moved to 1801 Congress Avenue, Suite 7.301, Austin, Texas Austin, Texas 78701. These alternate locations will also 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/89502950719> into their web browser. Telephone access numbers and additional videoconference call access information can be found in the attached addendum. An electronic copy of the agenda and meeting materials will be made available at www.bhec.texas.gov prior to the meeting. A recording of the meeting will be made available on the Council's YouTube channel after the meeting is adjourned. To obtain a copy of the recording, please contact the Council's public information officer at open.records@bhec.texas.gov.

For members of the public who wish to give public comment, after the meeting convenes and the public comment item is reached on the agenda, the presiding member 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 allowed to unmute and 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 asked whether they would like to make a public comment. (Those attending by phone use *6 to unmute.) 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 via <https://forms.office.com/r/Wb0JmBcpVU>. Only those written public comments received by 5 p.m. on the last business day prior to the meeting will be submitted to the board members for their consideration. No written comments received will be read aloud during the meeting.

1801 Congress Ave., Suite 7.300, Austin, Texas 78701
(Phone) 512-305-7700

The Texas Behavioral Health Executive Council is an equal opportunity employer and does not discriminate on the basis of race, color, religion, national origin, age, sex, disability or sexual orientation.

Please note: 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) 3057700, 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.

1. Call to Order.

Includes roll call and excusal of absences if necessary.

2. Welcome and announcements.

Includes items of public interest and concern.

3. Public Comment.

Comments will be received from individuals attending in person, by virtual meeting, and by phone.

INFORMATIONAL ITEMS – NO ACTIONS WILL BE TAKEN.

4. Reports on general matters.

a. Report from the Board Chair.

May include discussion of 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.

b. Report from the Board's Delegates to the Texas Behavioral Health Executive Council.

May include discussion regarding the activities of the Executive Council, including recently proposed or adopted rules.

c. Report from the Board Administrator and other staff.

May include discussion of operations, organization, and staffing; workload processing and statistical information; 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.

d. Reports from Committees

1) Application & Supervision Issues Committee – (Cristina)

2) Rules Committee – (Dr. Stubblefield)

5. Report on Performance Measures

6. Report on *Children's Mental Health Strategic Plan Subcommittee* activities. Discussion to be led by Janie Stubblefield, the BHEC delegate to the subcommittee.

MATTERS FOR POTENTIAL BOARD ACTION

7. Licensing matters.

May include discussion of licensing regulations and operations as they pertain to application processing.

- a. Board review and possible action on appeal of license applications
 - 1) Brenda Maxey
 - 2) Shannon O'Connor

8. Examination matters.

May include reports from the Board's jurisprudence exam vendor and discussion of exam content and format.

- a. Board review and possible action related to changes in the Board's jurisprudence exam.

9. Enforcement matters.

May include discussion of quarterly enforcement activities, as well as discussion of agreed orders executed or cases dismissed by the Council's Executive Director.

- a. Board review and possible action regarding contested cases from State Office of Administrative Hearings (SOAH).
- b. Board review and possible action regarding agreed orders to be executed by the Board.

10. Rulemaking.

May include discussion and referral of potential rule changes to the Rules Committee, as well as discussion of the status of rule proposals sent to the Executive Council.

- a. Proposed Adoption of Rules: *Discussion and possible action to recommend adoption of new rules, amendments, or repeal of rules in Title 22 of the Texas Administrative Code:*
 - 1) §681.37 Billing and Financial Arrangements
 - 2) §681.41 General Ethical Requirements
 - 3) §681.44 Drugs and Alcohol Use
 - 4) §681.47 Assumed Names
 - 5) §681.49 Advertising and Announcements
 - 6) §681.81 General Academic Requirements
 - 7) §681.92 Experience Requirements
 - 8) §681.101 Examinations
 - 9) §681.204 Other Actions
 - 10) §681.205 Schedule of Sanctions

- b. Proposed Amendment of Rules: *Discussion and possible action to recommend proposal of new rules, amendments, or repeal of rules in Title 22 of the Texas Administrative Code:*
 - 1) §681.72 Required Application Materials
 - 2) §681.140 Requirements for Continuing Education
11. Discussion and possible action regarding the expiration of the LPC Associate license.
12. Discuss the potential impact of insurance market vertical integration on the mental health care workforce and on access to mental health care by the public.
13. Recommendations for agenda items for the next meeting.
14. Adjournment.

Addendum: Additional Videoconference and Telephone Conference Call Information

When: Jan 31, 2025 09:00 AM Central Time (US and Canada)

Topic: Texas State Board of Examiners of Professional Counselors January 31, 2025 Full Board Meeting

Please click the link to join the webinar: <https://us02web.zoom.us/j/89502950719>

Or One tap mobile: +13462487799,,89502950719# US (Houston) +12532158782,,89502950719# US (Tacoma)

Or Telephone: Dial(for higher quality, dial a number based on your current location): +1 346 248 7799 US (Houston) +1 253 215 8782 US (Tacoma) +1 669 444 9171 US +1 669 900 9128 US (San Jose) +1 719 359 4580 US +1 253 205 0468 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 +1 312 626 6799 US (Chicago) +1 360 209 5623 US

Webinar ID: 895 0295 0719

International numbers available: <https://us02web.zoom.us/j/89502950719>

**4th QUARTER PERFORMANCE MEASURES
FISCAL YEAR 2024**

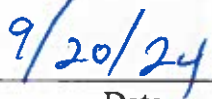
Submitted to the
Governor's Office of Budget and Planning
and the Legislative Budget Board

by

**Texas Behavioral Health Executive
Council**


Executive Director

September 20, 2024


Date

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

9/23/2024 11:03:45AM

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2024 Target	2024 Actual	2024 YTD	Percent of Annual Target	Target Range
Output Measures					
<u>1-1-1 LICENSING</u>					
1 # NEW LICENSEES ISSUED					
Quarter 1	9,300.00	2,721.00	2,721.00	29.26 %	1,860.00 - 2,790.00
Quarter 2	9,300.00	2,785.00	5,506.00	59.20 % *	4,185.00 - 5,115.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY24 target for number of new licenses issued is 9,300, or 2,325 per quarter. During the second quarter of FY 24, the agency exceeded its target by issuing 2,785 for the quarter. The agency cannot predict how many applicants will qualify for licensure, and processes all applications in a timely manner.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The number of new licenses issued each quarter is averaging over 2,500 due to the dedication and efficiency of the licensing staff and the significant workforce shortage of behavioral health providers. The licensing staff will continue to process all qualified applicants, and therefore believes this measure will continue to be met or exceeded.

* 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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Output Measures

1 # NEW LICENSEES ISSUED

Quarter 3	9,300.00	2,668.00	8,174.00	87.89 % *	6,510.00 - 7,440.00
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY24 target for number of new licenses issued is 9,300, or 2,325 per quarter. During the third quarter of FY 24, the agency exceeded its target by issuing 2,668 for the quarter. The agency cannot predict how many applicants will qualify for licensure, and processes all applications in a timely manner.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The number of new licenses issued each quarter is averaging over 2,500 due to the dedication and efficiency of the licensing staff and the significant workforce shortage of behavioral health providers. The licensing staff will continue to process all qualified applicants, and therefore believes this measure will continue to be met or exceeded.

Quarter 4	9,300.00	3,427.00	11,601.00	124.74 % *	8,835.00 - 9,765.00
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY24 target for number of new licenses issued is 9,300, or 2,325 per quarter. During the fourth quarter of FY 24, the agency exceeded its target by issuing 3,427 for the quarter. The agency cannot predict how many applicants will qualify for licensure, and processes all applications in a timely manner. However, the agency always issues more new licenses during the fourth quarter each year due to applications received after college graduations in May.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The number of new licenses issued each quarter (with the exception of the fourth quarter, when there are more applications received) is averaging over 2,500 due to the dedication and efficiency of the licensing staff and the significant workforce shortage of behavioral health providers. The licensing staff will continue to process all qualified applicants, and therefore believes this measure will continue to be met or exceeded during the biennium. Additionally, the agency has requested that this target be increased to 12,000 in its 2026-2027 LAR.

* 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)

9/23/2024 11:03:45AM

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

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.

Quarter 2	29,000.00	7,566.00	16,306.00	56.23 % *	13,050.00 - 15,950.00
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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 second quarter of FY 24, the agency exceeded its target by renewing 7,566 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.

* Varies by 5% or more from target.

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Output Measures

2 # LICENSE RENEWALS

Quarter 3	29,000.00	7,751.00	24,057.00	82.96 % *	20,300.00 - 23,200.00
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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 third quarter of FY 24, the agency exceeded its target by renewing 7,751 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.

Quarter 4	29,000.00	8,317.00	32,374.00	111.63 % *	27,550.00 - 30,450.00
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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 fourth quarter of FY 24, the agency exceeded its target by renewing 8,317 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. Additionally, the agency has requested that this target be increased to 34,500 in its 2026-2027 LAR.

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Output Measures

2-1-1 ENFORCEMENT

1 COMPLAINTS RESOLVED

Quarter 1	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.

Quarter 2	610.00	101.00	220.00	36.07 % *	274.50 - 335.50
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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 second quarter of FY 24, the agency fell slightly short of its target by resolving 101 complaints.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The agency had 512 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.

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

1 COMPLAINTS RESOLVED

Quarter 3	610.00	94.00	314.00	51.48 % *	427.00 - 488.00
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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 third quarter of FY 24, the agency fell short of its target by resolving 94 complaints.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The agency had 591 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.

Quarter 4	610.00	165.00	479.00	78.52 % *	579.50 - 640.50
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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 fourth quarter of FY 24, the agency surpassed its target by resolving 165 complaints. However, it still fell short of its annual measure by resolving a total of 479 complaints, or 79% of its target.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The agency had 562 pending complaints at the end of this quarter but received 632 complaints during 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 closely approach this target assuming it is able to maintain full or near-full staffing level of investigative staff. However, roughly 78% of the existing pending complaints have been investigated and referred to the legal division. Therefore, the agency has requested additional staff attorneys in its 26-27 LAR to address this.

* Varies by 5% or more from target.

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Type/Strategy/Measure	2024 Target	2024 Actual	2024 YTD	Percent of Annual Target	Target Range
Output Measures					
2 COMPLAINTS PENDING					
Quarter 1	500.00	431.00	431.00	86.20 % *	475.00 - 525.00
<p><u>Explanation of Variance:</u> FACTORS CAUSING THE VARIANCE:</p> <p>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.</p> <p>HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:</p> <p>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.</p>					
Quarter 2	500.00	512.00	512.00	102.40 %	475.00 - 525.00

* Varies by 5% or more from target.

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Output Measures

2 COMPLAINTS PENDING

Quarter 3	500.00	591.00	591.00	118.20 % *	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 third quarter of FY 24, the agency had 591 complaints pending. Of this amount, approximately 82% of these are substantive complaints that have been sent to the legal division after the investigation has been completed.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The agency needs additional staff attorneys to process the substantive complaints that are referred to the legal division in a shorter timeframe. The agency believes that the average complaints pending will continue to exceed the target of 500 for the remainder of the fiscal year, even assuming the Council is able to maintain full or close-to-full staffing levels. The agency will be requesting additional staff attorneys in its 26-27 LAR to address this.

Quarter 4	500.00	562.00	562.00	112.40 % *	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. At the close of FY 24, the agency had 562 complaints pending. Of this amount, approximately 78% of these are substantive complaints that have been sent to the legal division after the investigation has been completed.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The agency needs additional staff attorneys to process the substantive complaints that are referred to the legal division in a shorter timeframe. The agency believes that the average complaints pending will continue to exceed the target of 500 for the remainder of the biennium, even assuming the Council is able to maintain full or close-to-full staffing levels. The agency has requested additional staff attorneys in its 26-27 LAR to address this.

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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.

Quarter 2	55.00	32.79	30.53	55.51 % *	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 second quarter of FY 24, the agency bested this measure by having an average license issuance time of only 33 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 an average of 31 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.

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

1 AVG TIME TO PROCESS APP (DAYS)

Quarter 3	55.00	29.41	30.30	55.09 % *	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 third quarter of FY 24, the agency bested this measure by having an average license issuance time of only 30 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 an average of 31 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.

Quarter 4	55.00	28.41	29.74	54.07 % *	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 fourth 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 an average of 30 days, due to the dedication and efficiency of the licensing staff. The agency believes that this target will continue to be met or exceeded during the biennium assuming the Council is able to maintain full or close-to-full staffing levels. Additionally, the agency requested that this target be lowered to 35 days in its 2026-2027 LAR.

2-1-1 ENFORCEMENT

* Varies by 5% or more from target.

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

1 AVG TIME/COMPLAINT RESOLUTION

Quarter 1	625.00	240.83	240.83	38.53 % *	593.75 - 656.25
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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.

Quarter 2	625.00	289.41	263.14	42.10 % *	593.75 - 656.25
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY24 target for the average time for complaint resolution is 625 days. In the second quarter of FY 24, the agency bested this measure by having an average processing resolution time of 290 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 an average of 264 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.

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

9/23/2024 11:03:45AM

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 AVG TIME/COMPLAINT RESOLUTION

Quarter 3	625.00	435.54	314.75	50.36 % *	593.75 - 656.25
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY24 target for the average time for complaint resolution is 625 days. In the third quarter of FY 24, the agency bested this measure by having an average processing resolution time of 436 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 slightly increased to an average of 315 days. Even with the dedication and efficiency of the enforcement and legal staff, the agency needs additional staff attorneys to reverse this upward trend and process the substantive complaints that are referred to the legal division in a shorter timeframe. The agency believes that while this target on average will continue to be met or exceeded the remainder of the fiscal year, the quarterly average will continue to increase, even assuming the Council is able to maintain full or close-to-full staffing levels. The agency will be requesting additional staff attorneys in its 26-27 LAR to address this.

* 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 AVG TIME/COMPLAINT RESOLUTION

Quarter 4	625.00	304.88	311.35	49.82 % *	593.75 - 656.25
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY24 target for the average time for complaint resolution is 625 days. In the fourth quarter of FY 24, the agency bested this measure by having an average processing resolution time of 305 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 slightly increased to an average of 312 days. Even with the dedication and efficiency of the enforcement and legal staff, the agency needs additional staff attorneys to reverse this upward trend and process the substantive complaints that are referred to the legal division in a shorter timeframe. The agency believes that while this target on average will continue to be met or exceeded during the biennium, the quarterly average will continue to increase, even assuming the Council is able to maintain full or close-to-full staffing levels. The agency has requested additional staff attorneys in its 26-27 LAR to address this. Additionally, the agency has requested that this target be lowered to 375 days in its 2026-2027 LAR.

* Varies by 5% or more from target.

TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL
4th QUARTER MEASURES
FY 2024

Number of Licenses Renewed (from ald12)

LSSP	532
LIC	730
LPA	86
LPC	3026
MFT	442
LBSW	376
LMSW	1420
LCSW	1692
AP	13
Total	8,317

Number of Licenses Issued (from ald11 and BO)

LPA	12
PLP	96
LIC	85
LSSP	171
LPCA	997
LPC	134
LPC Upgrade	548
MFTA	90
MFT	54
MFT Upgrade	52
LBSW	56
LMSW	600
LCSW	182
LMSW Upgrade	31
LCSW Upgrade	313
TEMP SW	6
Total	3,427

Number of Complaints Resolved (from BO report)

LP/LPA	24
LSSP	2
LPC	84
MFT	12
SW	43
Total	165

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

1 st Qtr	72/119 =	61%
2 nd Qtr	43/101 =	43%
3 rd Qtr	35/94 =	38%
4 th Qtr	57/165 =	35%
YTD	207/479 =	44%

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

1 st Qtr	26/119 =	22%
2 nd Qtr	16/101 =	16%
3 rd Qtr	19/94 =	21%
4 th Qtr	9/165 =	6%
YTD	70/497 =	15%

Average Time for Complaint Resolution (from BO report)

1 st Qtr	28,659 days to resolve 119 complaints =	240.83 days
2 nd Qtr	29,230 days to resolve 101 complaints =	289.41 days
3 rd Qtr	40,941 days to resolve 94 complaints =	435.54 days
4 th Qtr	50,305 days to resolve 165 complaints =	304.88 days
YTD	149,135 days to resolve 479 complaints =	311.35 days

Number of Complaints Pending (from BO report)

562

Closed	20
Investigation Completed	111
ISC Scheduled	6
Legal Review	36
NOV Sent	11
Open	344
Under Investigation	34

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

1 st Qtr	72,229 days to process 2,565 applications =	28.16 days
2 nd Qtr	89,240 days to process 2,689 applications =	33.19 days
3 rd Qtr	76,333 days to process 2,596 applications =	29.41 days
4 th Qtr	93,738 days to process 3,300 applications =	28.41 days
YTD	331,540 days to process 11,150 applications =	29.74 days

LPA Initial	1064 days to process 28 applications =	38.0
LPA Final	3392 days to process 12 applications =	282.67
LIC Initial	4849 days to process 102 applications =	47.54
LIC Final	14505 days to process 85 applications =	170.65
LSSP	4992 days to process 171 applications =	29.20
Temp LIC	462 days to process 26 applications =	17.77
LPC Initial	9555 days to process 134 applications =	71.31
LPCA Initial	30656 days to process 997 applications =	30.75
LPC Upgrade	7205 days to process 548 applications =	13.15
MFT License	4083 days to process 54 applications =	75.62
MFTA License	14444 days to process 90 applications =	160.49
MFTA Upgrade	586 days to process 52 applications =	11.27
SW License	10374 days to process 591 applications =	17.56
SW OOS License	12816 days to process 247 applications =	51.89
SW Upgrade	7036 days to process 344 applications =	20.46
Temp SW License	60 days to process 6 applications =	10.0

- 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).

Calculations reviewed by:

David Zint

Date:

9/20/24

**TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL
ANNUAL MEASURES
FY 2024**

Number of Jurisdictional Complaints Received FY24 (from BO report) 632

Percent of Licensees With No Recent Violations

Total 255 disciplinary actions
Less duplicates -44 duplicates

Total unduplicated 211 disciplinary actions

Number of individuals (unduplicated) licensed as of 8/4/2023: 83,828

$$83,828 - 211 = 83,617$$

$$83,617/83,828 = 99.74 \%$$

Recidivism Rate

Individuals with disciplinary actions FY 22 – FY 24 222
Individuals with 2 or more disciplinary actions 33

$$33/222 = 14.86\%$$

Calculation Reviewed by:

David Zund

Date:

9/20/24

ANNUAL PERFORMANCE MEASURES

FISCAL YEAR 2024

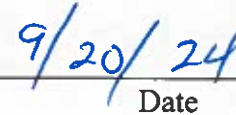
Submitted to the
Governor's Office of Budget and Planning
and the Legislative Budget Board

by

**Texas Behavioral Health Executive
Council**


Executive Director

September 20, 2024


Date

Outcomes
 88th Regular Session, Performance Reporting
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: 9/23/2024
 TIME: 11:05:17AM
 PAGE: 1 OF 1

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Objective/Measure	2024 Target	2024 YTD	Percent of Annual Target	
<u>1-1 ENSURE STANDARDS MET</u>				
1 % LICENSEES/NO VIOLATIONS	95.00 %	99.74 %	104.99 %	90.25 - 99.75
<u>2-1 ENSURE COMPLIANCE</u>				
3 % COMPLAINTS RESOLVED - 6 MO.	15.00 %	44.00 %	293.33 % *	14.25 - 15.75

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY24 target for percentage of complaints resolved within six months is 15%. At the close of FY24 the agency had resolved 44% of its complaints within six months. This high percentage was due to the staffing levels, dedication, and efficiency of the enforcement and legal staff.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The agency has requested that this target be increased to 45% in its 2026-2027 LAR to more accurately reflect these efficiencies. However, the agency is receiving more complaints than originally anticipated. Of its 562 pending complaints at the end of FY24, 78% of these are substantive and have been referred to the legal division. The agency needs additional staff attorneys to process these substantive complaints in a shorter timeframe. The agency has requested additional staff attorneys in its 26-27 LAR to address this.

* Varies by 5% or more from target.

Explanatory Measures
 88th Regular Session, Performance Reporting
 Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 510

Agency name: Behavioral Health Executive Council

<u>Type/Strategy/Measure</u>	2024 Target	2024 YTD	Percent of Annual Target
Explanatory/Input Measures			
<u>2-1-1 ENFORCEMENT</u>			
1 # OF COMPLAINTS	600.00	632.00	105.33% *

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY24 target for number of complaints received is 600. The agency received 632, or 105% of the target. The agency has no control over the number of complaints received each year.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

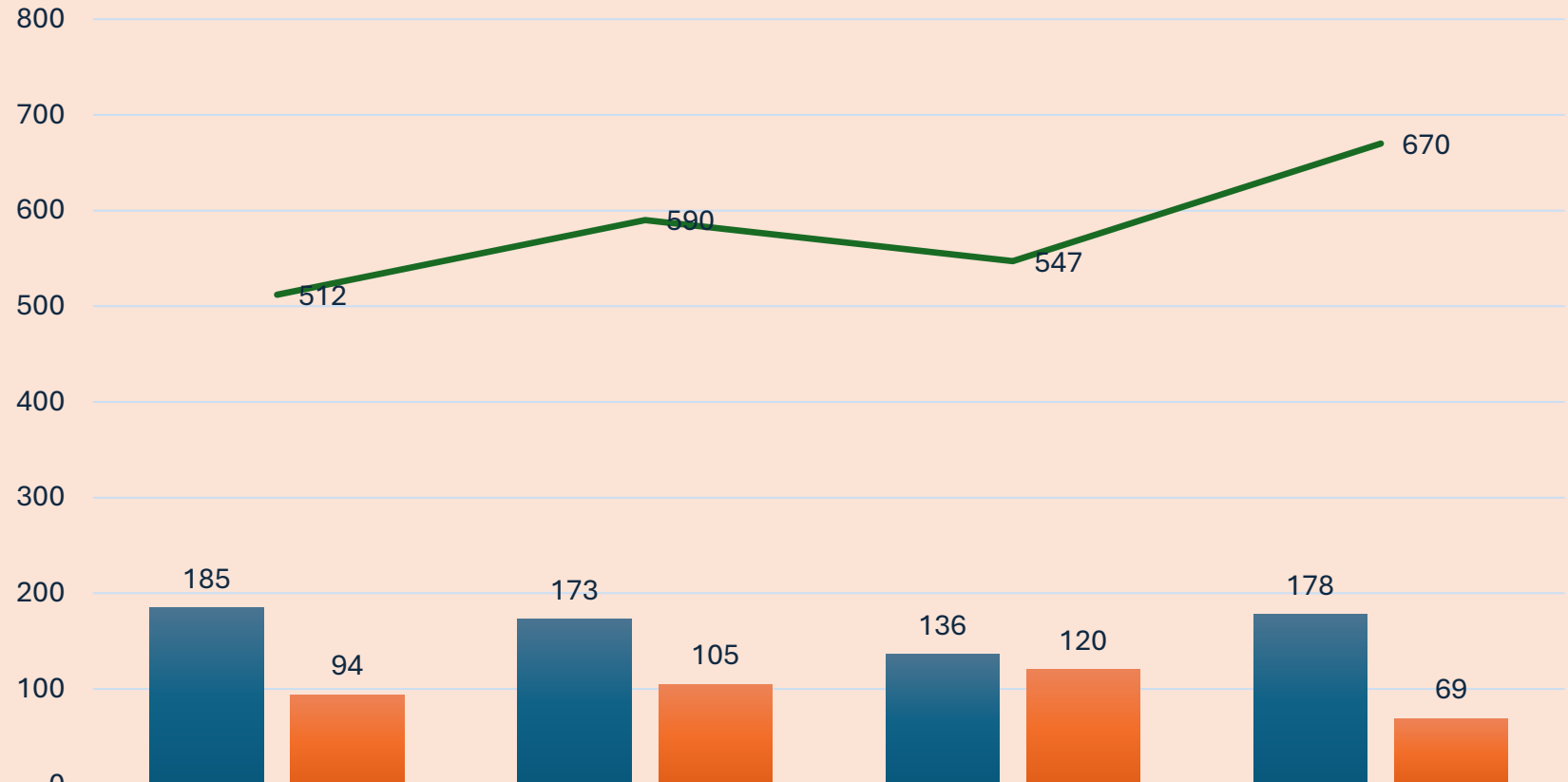
The Council has no control over the number of complaints that will be submitted each year from the public, or if the ones submitted will be jurisdictional complaints. However, since the complaints received in FY24 were within 5% of the original target set, the agency has not requested any changes in its 2026-2027 LAR.

* Varies by 5% or more from target.

Q1 FY 2025 Enforcement Report

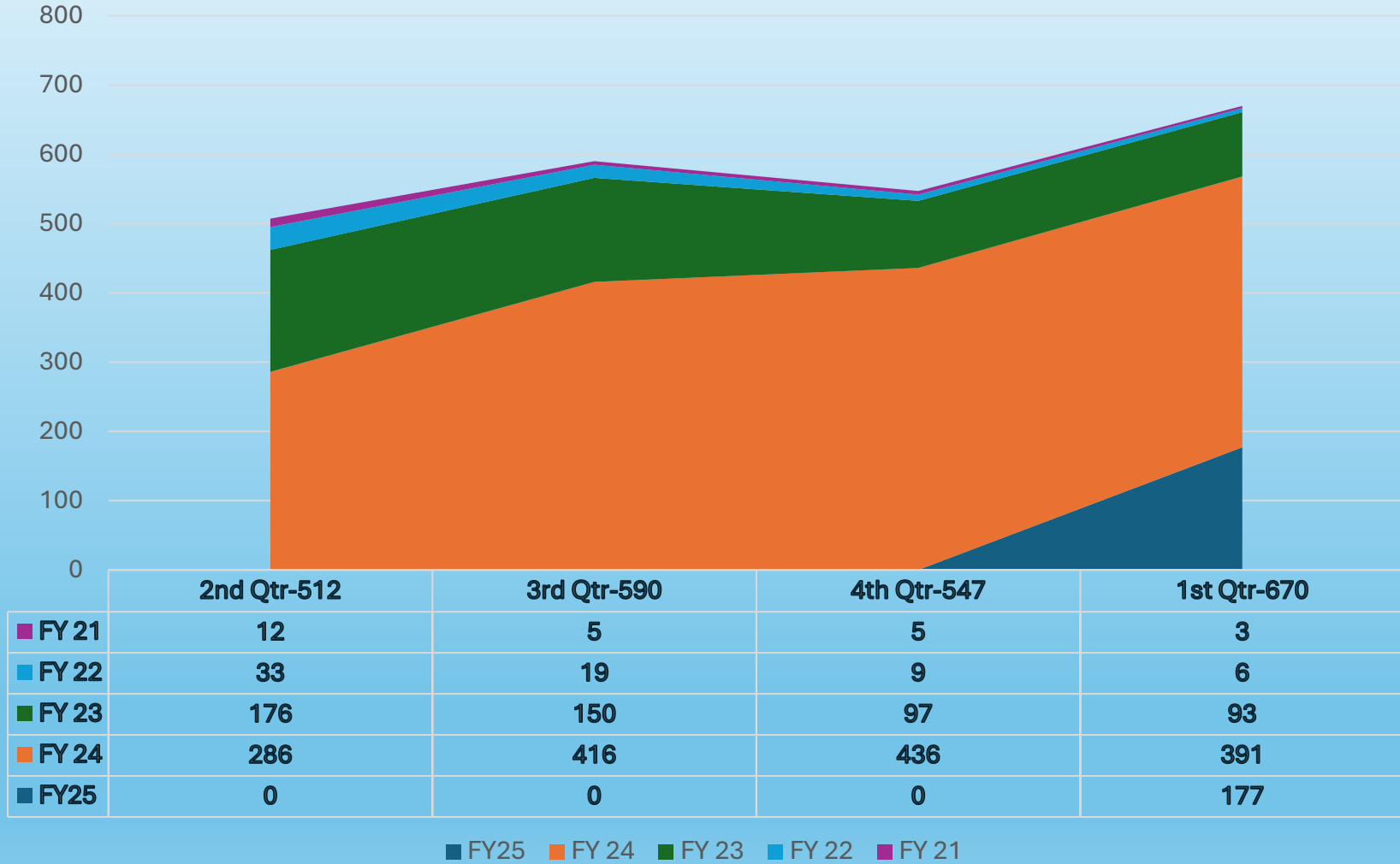
(September 1, 2024-November 30, 2024)

New Complaints Received and Total Pending

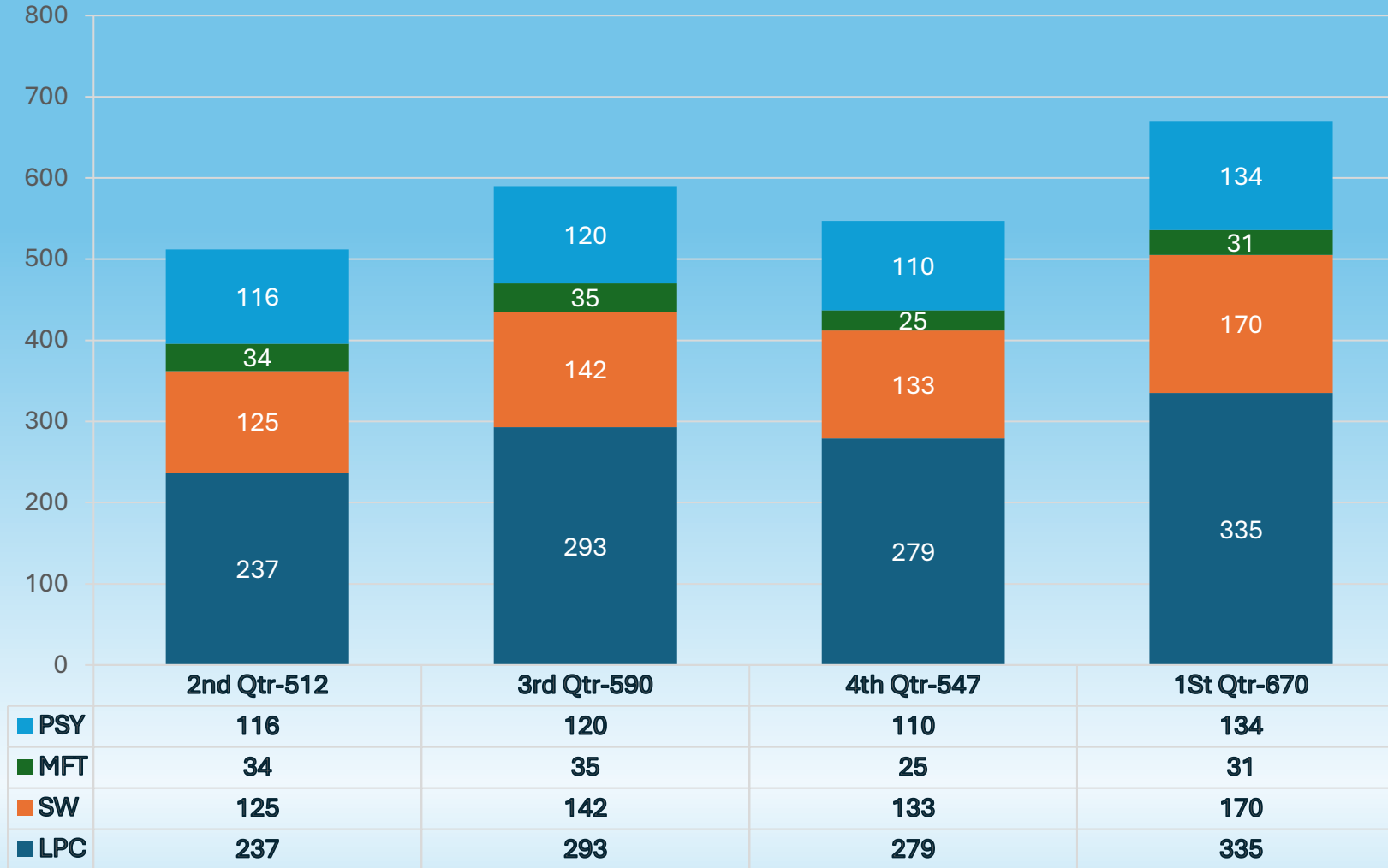


	2nd Qtr	3rd Qtr	4th Qtr	1st Qtr
New Complaints Received	185	173	136	178
Complaints Resolved	94	105	120	69
Total Pending Complaints	512	590	547	670

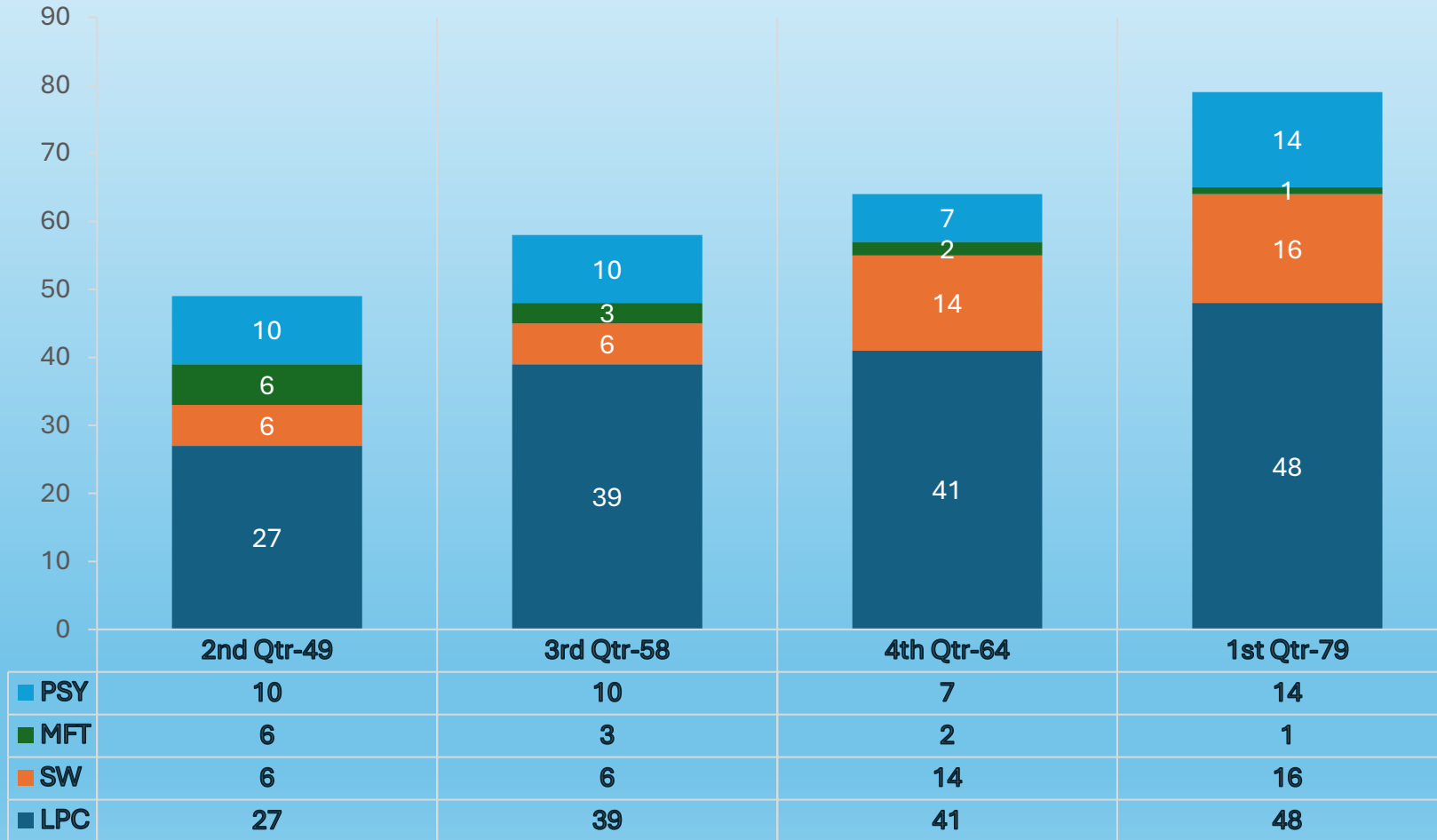
Pending Complaints by Fiscal Year



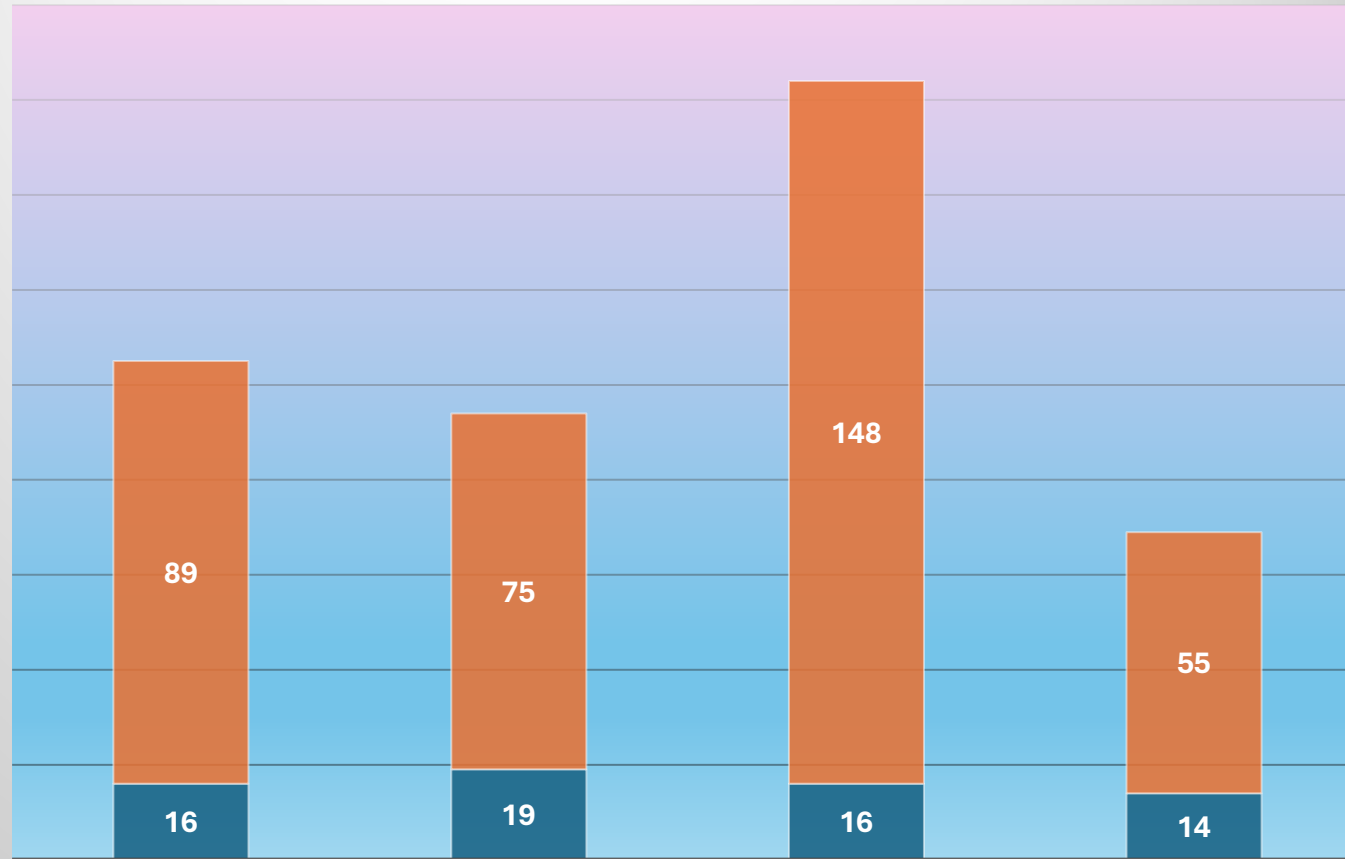
PENDING COMPLAINTS BY BOARD



PRIORITY 1 COMPLAINTS (IMMINENT PHYSICAL HARM AND SEXUAL MISCONDUCT)

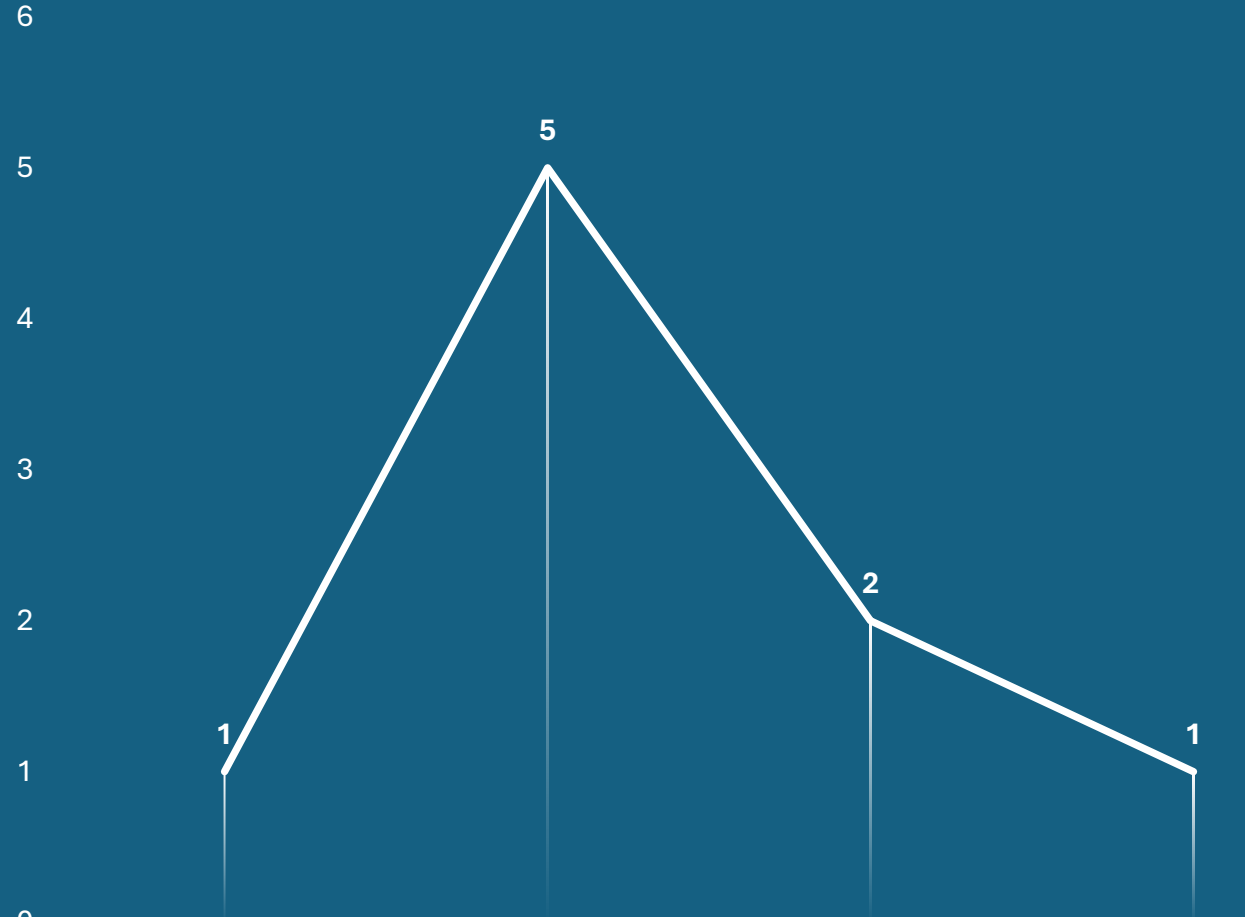


Complaints Resolved



	2nd Qtr-105	3rd Qtr-94	4th Qtr-164	1st Qtr-69
By Dismissal	89	75	148	55
By Agreed Orders	16	19	16	14

CONTESTED AT SOAH



— Contested at SOAH

2nd Qtr

3rd Qtr

4th Qtr

1st Qtr

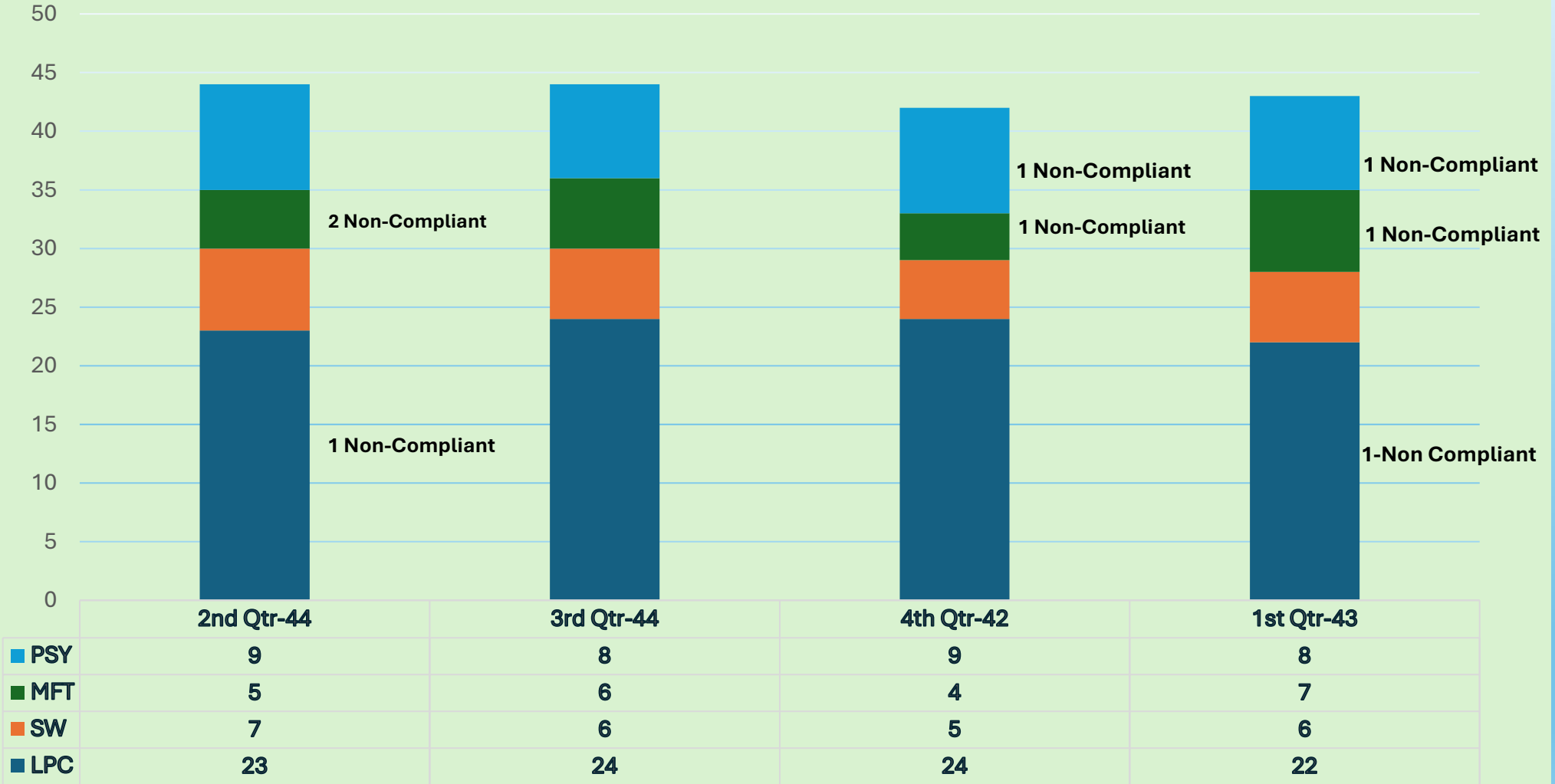
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5

2

1

Under Compliance



FY2025 Q1 Complaint Dismissal Report

Complaints Dismissed	Classification	Reason for Dismissal
2024-00291	Standard of Care	Insufficient Evidence
2024-00199	General Forensic	Insufficient Evidence
2024-00280	Unlicensed Person	Warning Letter
2024-00432	Criminal History	Insufficient Evidence
2024-00111	Dual Relationship	Insufficient Evidence
2024-00093	Dual Relationship	Insufficient Evidence
2024-00528	Sexual Misconduct	Lack of Jurisdiction
2024-00443	General Forensic	Conditional Precedent Not Met
2024-00430	Court Ordered Therapy	Conditional Precedent Not Met
2024-00247	Confidentiality	Untimely
2024-00463	Sexual Misconduct	Insufficient Evidence
2024-00369	Court Ordered Therapy	Conditional Precedent Not Met
2024-00538	Sexual Misconduct	Untimely
2024-00553	Sexual Misconduct	Lack of Jurisdiction
2024-00155	Unlicensed Person	Corrective Action Taken
2024-00219	Record Keeping	Warning Letter
2024-00183	Record Keeping	Insufficient Evidence
2024-00166	Confidentiality	Insufficient Evidence
2024-00566	Standard of Care	Insufficient Evidence
2024-00098	Standard of Care	Insufficient Evidence
2024-00504	Not Related to Licensed Activity	Insufficient Evidence
2024-00159	Standard of Care	Insufficient Evidence
2024-00308	Sexual Misconduct	Warning Letter
2024-00389	Failure to Report	Warning Letter
2024-00019	Confidentiality	Warning Letter
2024-00483	Failure to Report	Insufficient Evidence
2024-00332	Standard of Care	Untimely
2024-00329	Standard of Care	Insufficient Evidence
2024-00545	Advertising	Lack of Jurisdiction
2024-00076	General Forensic	Insufficient Evidence
2024-00230	Standard of Care	Insufficient Evidence

Rule: 681.37. Billing and Financial Arrangements.

Action: Proposed Amendment

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

§681.37. Billing and Financial Arrangements.

(a) Billing Requirements.

- (1) A licensee must bill clients or third parties for only those services actually rendered or as agreed to by mutual understanding at the beginning of services or as later modified by mutual written agreement.
- (2) Relationships between a licensee and any other person used by the licensee to provide services to a client must be so reflected on billing documents.
- (3) Upon the written request of a client, a client's guardian, or a client's parent (sole managing, joint managing or possessory conservator) if the client is a minor, a licensee must provide, in plain language, a written explanation of the types of treatment and charges for counseling treatment intervention previously made on a bill or statement for the client. This requirement applies even if the charges are to be paid by a third party.
- (4) A licensee may not knowingly overcharge a client.
- (5) A licensee may not submit to a client or a third party payor a bill for counseling treatment intervention the licensee knows or should know is improper, unreasonable, or unnecessary. However, nothing in this rule should be construed to prevent a licensee from submitting a bill for an unkept appointment.

(b) In accordance with §503.401(a)(4) of the Act, a licensee must not intentionally or knowingly offer to pay or agree to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, corporation, or entity for securing or soliciting clients or patronage.

(c) A licensee employed or under contract with a chemical dependency facility or a mental health facility must comply with the requirements in the Texas Health and Safety Code, §164.006, relating to soliciting and contracting with certain referral sources. ~~Compliance with the Treatment~~

~~Facilities Marketing Practices Act, Texas Health and Safety Code Chapter 164, will not be considered as a violation of state law relating to illegal remuneration.~~

DRAFT

Rule: 681.41. General Ethical Requirements.

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.

§681.41. General Ethical Requirements.

- (a) A licensee must not make any false, misleading, deceptive, fraudulent or exaggerated claim or statement about the licensee's services, including, but not limited to:
 - (1) the effectiveness of services;
 - (2) the licensee's qualifications, capabilities, background, training, experience, education, professional affiliations, fees, products, or publications; or
 - (3) the practice or field of counseling.
- (b) A licensee must not make any false, misleading, deceptive, fraudulent or exaggerated claim or statement about the services of a mental health organization or agency, including, but not limited to, the effectiveness of services, qualifications, or products.
- ~~(c) A licensee must discourage a client from holding exaggerated or false ideas about the licensee's professional services, including, but not limited to, the effectiveness of the services, practice, qualifications, associations, or activities. If a licensee learns of exaggerated or false ideas held by a client or other person, the licensee must take immediate and reasonable action to correct the ideas held.~~
- ~~(d) A licensee must make reasonable efforts to discourage others whom the licensee does not control from making misrepresentations; exaggerated or false claims; or false, deceptive, or fraudulent statements about the licensee's practice, services, qualifications, associations, or activities. If a licensee learns of a misrepresentation; exaggerated or false claim; or false, deceptive, or fraudulent statement made by another, the licensee must take reasonable action to correct the statement.~~
- (c)(e) Technological means of communication may be used to facilitate the therapeutic counseling process.

- ~~(d)~~(f) A licensee may take reasonable action to inform 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.
- ~~(e)~~(g) The licensee must take reasonable precautions to protect clients from physical or emotional harm resulting from interaction:
- (1) within a group; or
 - (2) individual counseling.
- ~~(f)~~(h) A licensee must not evaluate any individual's mental, emotional, or behavioral condition unless the licensee has personally interviewed the individual or the licensee discloses in the evaluation the licensee has not personally interviewed the individual.
- ~~(g)~~(i) A licensee must not knowingly overtreat a client.
- ~~(h)~~(j) A licensee must not aid or abet the unlicensed practice of professional counseling by a person required to be licensed under the Act.
- ~~(i)~~(k) A licensee must report to the Council knowledge of any unlicensed practice of counseling.
- ~~(j)~~(l) A licensee or an applicant must not participate in the falsification of any materials submitted to the Council.
- ~~(k)~~(m) A licensee must not provide services while impaired by a physical, mental, or medical condition or by medication, drugs or alcohol.

Rule: 681.44. Drugs and Alcohol Use.

Action: Proposed Repeal

Comment: The proposed repeal will remove language identified during the quadrennial rule review as unnecessary and duplicative, without changing the substantive impact of the rules.

~~§681.44. Drugs and Alcohol Use. A licensee must not use alcohol or drugs in a manner that adversely affects the licensee's ability to provide counseling.~~

DRAFT

Rule: 681.47. Assumed 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.

~~§681.47. Assumed Names.~~

- ~~(a) An individual practice by a licensee may be established as a corporation, a limited liability partnership, a limited liability company, or other business entity in accordance with state or federal law.~~
- ~~(b) An assumed or trade name used by a licensee must not be false, deceptive, or misleading as those terms are described in §681.49(b) of this title (relating to Advertising and Announcements).~~

Rule: 681.49. 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.

§681.49. Advertising and Announcements.

- (a) Information used by a licensee in any advertisement or announcement must not contain information which is false, inaccurate, misleading, incomplete, out of context, deceptive or not readily verifiable. Advertising includes, but is not limited to, any announcement of services, letterhead, business cards, commercial products, and billing statements.
- (b) False, misleading, or deceptive advertising or advertising that is not readily subject to verification includes advertising that:
 - (1) makes any misrepresentation of fact or omits a fact necessary to make the statement misleading;
 - (2) makes any representation likely to create an unjustified expectation about the results of a mental health care service or procedure;
 - (3) compares a mental 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 mental 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 for or used by another profession or professional.

- (c) A licensee who retains or hires others to advertise or promote the licensee's practice remains responsible for the statements and representations.
- (d) The highest academic degree in counseling or a counseling-related field earned from an accredited school may be used when advertising or announcing counseling treatment intervention to the public or in counseling-related professional representations. A degree in counseling or a counseling-related field received at a foreign university may be used if the degree would be accepted as a transfer degree by an accredited school.
- (e) Notwithstanding the foregoing, a licensee may advertise or announce his or her other degrees from an accredited school if the subject of the degree is specified.
- (f) 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.
- (g) All advertisements or announcements of counseling including telephone directory listings by a person licensed by the Council must clearly state the licensee's licensure status by the use of a title such as "Licensed Counselor", or "Licensed Professional Counselor", or "LPC", or a statement such as "licensed by the Texas Behavioral Health Executive Council" with reference to the "Texas State Board of Examiners of Professional Counselors."
- (h) An LPC Associate must indicate Associate status on all advertisements, billing, and announcements of counseling treatment by the use of the term "LPC Associate." On all advertisements, billings and announcements of counseling treatment by an LPC Associate, the Associate's name must be followed by the name of the supervisor.
- (i) A licensee is required to hold the art therapy specialty designation in order to use the title "art therapist" or the initials "AT." A licensee who does not hold the designation may use art therapy as a counseling method but may not use the title or initials.

- (j) A licensed professional counselor who is a Council-approved supervisor may use the designation "LPC-S" when advertising their supervisory status

DRAFT

Rule: 681.81. General Academic Requirements.

Action: Proposed Amendment

Comment: The proposed amendment will remove language identified during the quadrennial rule review that is superseded by Council rule §882.11.

§681.81. General Academic Requirements.

- (a) The Council will accept as meeting academic requirements graduate degrees from accredited schools that meet the requirements of §681.82 of this title (relating to Academic Requirements) and §681.83 of this title (relating to Academic Course Content).
- (b) ~~Degrees and course work received at foreign universities will be acceptable only if such course work would be counted as transfer credit by an accredited school.~~ The applicant must provide the Council with documents and evidence to establish his or her formal education is equivalent to at least a master's degree granted by an accredited school. In order to meet this requirement the applicant must comply with Council §882.11 of this title (relating to Applicants with Foreign Degrees).
- (c) Applicants must provide upon request a course description from an official school catalog or bulletin or a course syllabus to substantiate the relevance of the course to the academic requirements of §681.83 of this title.
- (d) The Council will not consider undergraduate level courses as meeting any academic requirements for licensure unless the applicant's official transcript clearly shows the course was awarded graduate credit by the school.
- (e) The Council will consider courses for which an applicant's official transcript indicates a passing grade or credit was earned.
- (f) In evaluating transcripts, the Council will consider a quarter hour of academic credit as two-thirds of a semester hour

Rule: 681.92. Experience Requirements.

Action: Proposed Amendment

Comment: The proposed amendment will remove language identified during the quadrennial rule review as unnecessary and duplicative, without changing the substantive impact of the rule.

§681.92. Experience Requirements.

- (a) All applicants for LPC licensure must complete supervised experience acceptable to the Council of 3,000 clock-hours under a Council-approved supervisor.
 - (1) All internships physically occurring in Texas must be completed under the supervision of a Council-approved supervisor.
 - (2) For all internships physically completed in a jurisdiction other than Texas, the supervisor must be a person licensed or certified by that jurisdiction in a profession that provides counseling and who has the academic training and experience to supervise the counseling services offered by the Associate. The applicant must provide documentation acceptable to the Council regarding the supervisor's qualifications.
- (b) The supervised experience must include at least 1,500 clock-hours of direct client counseling contact. Only actual time spent counseling may be counted.
- (c) An LPC Associate may not complete the required 3,000 clock-hours of supervised experience in less than 18 months.
- (d) The experience must consist primarily of the provision of direct counseling services within a professional relationship to clients by using a combination of mental health and human development principles, methods, and techniques to achieve the mental, emotional, physical, social, moral, educational, spiritual, or career-related development and adjustment of the client throughout the client's life.
- (e) The LPC Associate must receive direct supervision consisting of a minimum of four (4) hours per month of supervision in individual (up to two Associates or group (three or more) settings while the Associate is engaged in counseling unless an extended leave of one month or more is approved in writing by the Council approved supervisor. No more than 50% of the total hours of supervision may be received in group supervision.

~~(f) An LPC Associate may have up to two (2) supervisors at one time.~~

DRAFT

Rule: 681.101. Examinations.

Action: Proposed Amendment

Comment: The proposed amendment will remove language identified during the quadrennial rule review as unnecessary, without changing the substantive impact of the rule.

§681.101. Examinations. (a) Each applicant for licensure is required to take and pass the National Counselor Exam or the National Clinical Mental Health Counselor Exam and complete the jurisprudence exam prior to application.

~~(b) The development or administration of the examination may be contracted to a national testing company.~~

~~(c) The National Counselor Examination and the National Clinical Mental Health Counselor Exam are administered at testing centers located in various cities throughout the state. The jurisprudence exam is available online at the Council's website.~~

Rule: 681.204. 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.

§681.204. Other Actions. Complaints may be resolved by issuance of a warning letter or a conditional letter of agreement, which does not involve a formal disciplinary action. (1) Warning letters inform licensees of their 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; and 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 agreement, staff will open a new complaint arising out of non-compliance with the conditional letter agreement or the underlying conduct.~~

Rule: 681.205. Schedule of Sanctions.

Action: Proposed Amendment

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

§681.205. Schedule of Sanctions. The following standard sanctions shall apply to violations of the Act and these rules:

Figure: 22 TAC §681.205

<u>Rule</u>	<u>Subsection</u>	<u>Action</u>
§681.35(a)		L4
	(1)-(8)	L4
§681.35(b)		L4
§681.35(c)		L5
§681.35(d)		L4
§681.36(a)		L5
	(1)	L4
	(2)-(7)	L5
§681.36(b)		L5
§681.37(a)	(1)-(3)	L5
	(4)-(5)	L4
§681.37(b)		L3
§681.37(c)		L3
§681.38(a)		L4
§681.38(b)		L4
§681.38(c)		L4
§681.38(d)		L4
	(2)	L4
	(3)	L1
	(5)-(6)	L5

	(7)	L4
§681.38(e)		L5
§681.38(f)		L4
§681.38(g)		L5
§681.41(a)		L5
	(1)-(3)	L5
§681.41(b)		L5
§681.41(c)		L5
§681.41(d)		L5
§681.41(c)(e)		L5
§681.41(e)(g)		L5
§681.41(f)(h)		L4
§681.41(g)(i)		L4
§681.41(h)(j)		L1
§681.41(j)(4)		L1
§681.42(b)	(1)-(3)	L1
§681.42(c)		L1
§681.42(f)	(1)-(2)	L5
§681.43(a)		L5
§681.43(b)		L5
§681.43(c)		L4
§681.43(d)		L5
§681.43(e)		L5
§681.44		L3
§681.45(b)		L4
§681.45(c)		L4
§681.45(d)	(1)-(5)	L4
§681.46(b)		L5
§681.47(b)		L5
§681.49(a)		L5
§681.49(d)		L5
§681.49(e)		L5
§681.49(g)		L5
§681.49(h)		L5
§681.49(i)		L5

§681.50(a)		L5
§681.50(b)		L5
§681.50(c)		L5
§681.50(d)		L5
§681.51(b)	(3)	L4
§681.52(d)		L4
§681.52(e)		L5
§681.52(i)		L5
§681.52(j)		L5
§681.52(k)		L5
§681.52(l)		L5
§681.52(m)		L5
§681.52(n)		L5
§681.52(o)		L5
§681.52(p)	(1)-(5)	L5
§681.52(q)		L5
§681.52(s)		L5
§681.52(u)		L5
	(1)-(2)	L5
§681.52(v)		L5
§681.52(w)		L5
§681.52(x)		L5
	(1)-(5)	L5
§681.52(y)		L5
§681.52(z)		L5
§681.52(aa)		L5
§681.52(bb)		L5
§681.52(dd)		L5
§681.52(ff)		L5
§681.53(a)		L5
§681.53(c)		L5
§681.53(d)		L5
§681.53(e)		L5
§681.53(f)		L4
§681.53(g)		L3
§681.53(h)		L5
	(1)-(2)	L4
§681.53(i)		L4
§681.91(d)		L1
§681.93(a)	(1)(A)-(F)	L5
	(2)	L5

§681.93(c)		L5
	(1)-(2)	L5
§681.93(d)		L5
§681.93(e)		L5
§681.93(f)	(1)-(2)	L5
§681.93(h)	(2)	L4

DRAFT

Rule: 681.72. Required Application Materials.

Action: Proposed Amendment

Comment: The proposed amendments would remove the expiration provisions related to supervision training courses required for applications for supervisor status.

§681.72. Required Application Materials.

(a) To apply for LPC Associate, the applicant must submit:

- (1) the Council's application form;
- (2) all applicable fees;
- (3) official examination results from the National Board of Certified Counselors verifying a passing score on the National Counselor Exam (NCE) or National Clinical Mental Health Counselor Exam (NCMHCE);
- (4) completion certificate for the Texas jurisprudence exam dated no more than six months before the date the application was received;
- (5) an official graduate transcript(s);
- (6) a practicum/graduate intern documentation form;
- (7) a supervisory agreement form; and
- (8) The holder of a current license in good standing issued by another jurisdiction equivalent to the Texas LPC Associate license must submit official verification of his or her license, including official verification of any supervised experience recognized by the issuing jurisdiction. If supervised experience cannot be verified by the issuing jurisdiction, the Council may consider a supervised experience documentation form with verification of the supervisor's credentials.

(b) To apply for LPC as the holder of a current Texas LPC Associate license, the applicant must submit:

- (1) the Council's application form;
- (2) all applicable fees;

- (3) completion certificate for the jurisprudence exam dated no more than six months before the date the application for LPC was received;
 - (4) the Council's supervised experience documentation form; and
 - (5) other information or forms as requested by the Council.
- (c) To apply for LPC as the holder of a current license equivalent to a Texas LPC license issued by another jurisdiction, the applicant's license must be in good standing and must submit:
- (1) all of the items listed in subsection (a)(1)-(6)(5) of this section;
 - (2) official verification of the license, including official verification of any supervised experience recognized by the issuing jurisdiction; and
 - (3) other information or forms as requested by the Council.
- (d) To apply for supervisor status, an LPC must:
- (1) have held the LPC license in good standing for at least 60 months;
 - (2) submit an application and all applicable fees; and
 - (3) submit a completion certificate for an acceptable supervisor training. An acceptable supervisor training is:
 - (A) a doctoral level course in the supervision of professional counseling or mental health services which was taken for credit at an accredited school and documented on an official transcript; ~~or the qualifying doctoral level course may have been completed no more than five (5) years before the date the application for supervisor status was received;~~
 - (B) a 40-clock-hour supervision course as set forth in §681.147 of this title, ~~(relating to 40-ClockHour Supervisor Training Course); the qualifying 40-clock-hour supervision course may have been completed no more than two (2) years before the date the application for supervisor status was received.~~

- (e) An applicant who holds a current LPC license in good standing issued by another jurisdiction must be substantially equivalent to Texas licensure requirements.

DRAFT

Rule: 681.140. Requirements for Continuing Education

Action: Proposed Amendment

Comment: The proposed amendments will clarify the nature of professional development a licensee must receive related to maintaining competency when providing services to unique populations.

§681.140. Requirements for Continuing Education.

(a) Minimum Continuing Education Hours Required.

- (1) An LPC must complete 24 hours of continuing education during each renewal period that they hold a license. The 24 hours of continuing education must include 6 hours in ethics and 3 hours designed to ensure competency when providing services to a distinct population, defined as a group of people who share a common attribute, trait, or defining characteristic of the licensee's choice. in cultural diversity or competency
- (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.

- (1) A licensee with supervisory status must complete 6 hours of continuing education in supervision.
- (2) A licensee must successfully complete the Texas jurisprudence examination each renewal period. Licensees who pass the Texas jurisprudence examination may claim 1 hour of continuing education in ethics.
- (3) 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.

(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 professional counseling;
- (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 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.~~

~~(d)~~(e) Acceptable Continuing Education Activities.

- (1) All continuing education hours must have been received during the renewal period unless allowed under subsection (a)(2) of this section, and be directly related to the practice of professional counseling;
- (2) The Council shall make the determination as to whether the activity claimed by the licensee is directly related to the practice of professional counseling;
- (3) Except for hours claimed under subsection ~~(g)~~ ~~(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; and
- (4) Multiple instances or occurrences of a continuing education activity may not be claimed for the same renewal period.

~~(e)~~(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 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.

~~(f)~~(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.

~~(g)~~(h) Notwithstanding subsection ~~(e)~~ (f) of this section, licensees may claim continuing education credit for each of the following activities:

- (1) 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.
- (2) Authoring a book or peer reviewed article. The maximum number of hours that may be claimed for this activity is 5 hours.
- (3) Teaching or attending a graduate level course. The maximum number of hours that may be claimed for this activity is 5 hours.
- (4) 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 professional counseling. 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.
- (5) 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.

- ~~(h)(i)~~ The Council does not pre-evaluate or pre-approve continuing education providers or hours.
- ~~(i)(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.~~

DRAFT

Vertical Consolidation in Mental Health HCSC/BCBS & Headway Case Study

HCSC (Health Care Services Corporation)

In October 2023, HCSC became the lead investor in Headway. Meaning, the insurance company owns the mental health providers who use the Headway platform across the country.

Headway's latest report claims the application supports over 27,000 providers and boasts 26 payer "partners."

Furthermore, research suggests Headway therapists currently receive a 10% to 20% premium above the stated "BCBS market rate" in the five states listed below that are also owned by HCSC.

BCBS of TX

BCBS of OK

BCBS of IL

BCBS of NM

BCBS of MT

In 2024, after nearly a year of negotiating, my work heavily influenced BCBS of Texas to increase their market rate for all master level mental health providers from \$92.04 to \$93.88. The current Headway rate in Texas for the same service is estimated at \$107.

This is not ignorance on the part of the payer, either. Here are some quotes verbally stated by BCBS of TX employees during my work:

"We own the market, so we expect the rates to be favorable to us."

"We do not see a market need, we have nearly 100,000 providers ready to go in the market."