

TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS



MEMBERS OF THE BOARD

Steven Hallbauer, Board Chair
Dr. Christopher Taylor, LPC-S, Board Vice-Chair
Dr. Lia Amuna, LPC
Dr. Loretta J. Bradley, LPC-S
Elisa Chan
Brian Eby
Dr. Janie Stubblefield, LPC-S
Corey Rose

Cristina De Luna
Board Administrator

TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS FULL BOARD MEETING AGENDA Friday, June 6, 2025 9:00 a.m.

The June 6, 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 4.300, 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 7.102 or 7.301, 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/89765568031> 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/qJKS1dEHix>. 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 regarding legislative updates.

b. 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.

c. 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.

d. 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.

e. Reports from Committees

1) Application & Supervision Issues Committee – (Cristina)

2) Rules Committee – (Dr. Stubblefield)

5. Report on Performance Measures

6. Discussion of transition to free digital licenses and optional printed wall certificates.

MATTERS FOR POTENTIAL BOARD ACTION

7. Nomination and voting of one public member to serve on the Texas Behavioral Health Executive Council per §881.4.

8. 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

9. Examination matters.

May include reports from the Board's jurisprudence exam vendor, national exam administrator (CCE/NBCC), and discussion of exam content and format.

- a. Board review and possible action related to changes in the Board's jurisprudence exam.
 - b. Annual Performance Report from the Center for Credentialing & Education (CCE), which administers the state licensure examinations on behalf of the National Board for Certified Counselors, Inc. (NBCC).

10. 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.
 - c. Board review and possible action regarding ISC panel recommendations to dismiss.

11. 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) §681.72 Required Application Materials
 - 2) §681.140 Requirements for Continuing Education
 - 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) §681.91 LPC Associate License
 - 2) §681.93 Supervisor Requirements
 - c. Requests for Rulemaking: *Discussion and possible action to initiate rulemaking.*
 - 1) Petition from Laurel Clement
 - 2) Petition from La'Nika Graham

12. Recommendations for agenda items for the next meeting.
13. Adjournment.

Addendum: Additional Videoconference and Telephone Conference Call Information

When: Jun 6, 2025 09:00 AM Central Time (US and Canada)

Topic: Texas State Board of Examiners of Professional Counselors June 6, 2025 Full Board Meeting

Join from PC, Mac, iPad, or Android: <https://us02web.zoom.us/j/89765568031>

Phone one-tap: +13462487799,,89765568031# US (Houston) +17193594580,,89765568031# US

Join via audio: +1 346 248 7799 US (Houston) +1 719 359 4580 US +1 253 205 0468 US +1 253 215 8782 US (Tacoma) +1 669 444 9171 US +1 669 900 9128 US (San Jose) +1 360 209 5623 US +1 386 347 5053 US +1 507 473 4847 US +1 564 217 2000 US +1 646 558 8656 US (New York) +1 646 931 3860 US +1 689 278 1000 US +1 301 715 8592 US (Washington DC) +1 305 224 1968 US +1 309 205 3325 US +1 312 626 6799 US (Chicago)

Webinar ID: 897 6556 8031

International numbers available: <https://us02web.zoom.us/j/89765568031>

4. Board Chair Report – June 6, 2025

1. Accolades and Welcomes

- Thank you to **Brenda Compagnone, LPC-S, Vaneesa Hall, and Jenn Winston** for their service to the Board!
- Congratulations to **Vanessa Hall** for earning her master's degree from Liberty University! We wish her well as she continues her next steps towards licensure.
- Welcome new professional member **Brian Eby** and new public members **Elisa Chan** and **Corey Rose**!

2. BHEC Meeting Summary from February 18, 2025

- **Dr. Janie Stubblefield** delivered an update report on the Children's Mental Health Strategic Plan Subcommittee's activities.
- Reviewed and considered the proposed rule changes to:
 - 1) 681.72 Required Application Materials
 - 2) 681.140 Requirements for Continuing EducationBoth were passed.
- Considered and adopted proposed rule changes recommended following the quadrennial rules review: 681.37, 681.41, 681.44, 681.47, 681.49, 681.81, 681.92, 681.101, 681.204, 681.205
- Target start date for online compliance management service for continuing education activities through CE Broker is September 1, 2025. Instructions will be forthcoming.
- Next BHEC meeting is Tuesday, October 14.

3. Upcoming Events, including stakeholder events and activities

- **BHEC Meeting:** June 24
- **NBCC Summit:** June 25-27
- **LPC Board Meeting:** Sept. 19

- **BHEC Meeting:** Oct. 14
- **TCA Professional Growth Conference:** Nov. 19-21

COMPLAINT NO. 2021-00385 and 2022-00202

IN THE MATTER OF

ELIZABETH HARP

§ BEFORE THE TEXAS BEHAVIORAL
§ HEALTH EXECUTIVE COUNCIL
§
§ THE TEXAS STATE BOARD
§ OF EXAMINERS OF
§ PROFESSIONAL COUNSELORS

AGREED ORDER

Pursuant to its 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 Council, which have been approved and accepted by **ELIZABETH HARP** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a professional counselor (#16139) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent formed a dual relationship with a client, which resulted in harm to the client.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.
2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 507.301, and 507.351 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated 22 Tex. Admin. Code §§ 681.41(l), 681.41(m), and 681.41(p).

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent's license is **SUSPENDED** for a period of ten (10) years from the effective date of this order. However, the ten (10) years of suspension shall be **PROBATED**, so long as Respondent complies with all state and federal statutes and regulations pertaining to the practice of professional counseling. Although the probated suspension ordered herein will result in Respondent's license being restricted, Respondent shall take all steps necessary to renew and maintain Respondent's license while this order is in effect. Respondent's license shall remain on restricted status until all terms of this order have been satisfactorily completed.
2. Respondent is assessed and shall pay an administrative penalty in the total amount of \$4,000.00; of which \$3,200.00 represents administrative costs and \$800.00 represents administrative penalty. In paying this penalty, Respondent shall make 11 monthly payments of \$363.64. The first payment shall be received in this office no later than October 15, 2024. Subsequent payments shall be received in this office no later than the following dates: November 15, 2024; December 15, 2024; January 15, 2025; February 15, 2025; March 15, 2025; April 15, 2025; May 15, 2025; June 15, 2025; July 15, 2025; and August 15, 2025.
3. Respondent, within thirty (30) days of the date this order is ratified, shall complete and submit proof of completion of twelve (12) hours of professional development relating to professional boundaries. This professional development is in addition to the professional development hours required for license renewal. Respondent will pay all costs of the coursework.
4. Respondent, within thirty (30) days of the date this order is ratified, shall submit a report to the Council regarding resources for the shelter and safety of clients as an alternative to having clients shelter in a therapist's home.
5. Respondent shall have no further contact with the client or the client's family from which this matter arose, with the exception of future counseling records requests under 22 Tex. Admin. Code § 681.45 and related provisions.
6. Respondent shall be required to practice under the supervision of a practice monitor for a period of ten (10) years from the date this order is ratified. Respondent shall, within forty-five (45) days of the date this order is ratified, submit to the Council or its designee for approval the name and qualifications of a licensed professional counselor - supervisor who has agreed to serve as a practice monitor. The Respondent must submit a copy of the practice monitor's CV and receive written approval from the Council, or its designee,

before any of the practice monitoring Respondent receives may be acceptable to meet the requirements of this order. The practice monitor shall (1) be a Texas-Licensed Professional Counselor - Supervisor with no record of disciplinary actions; (2) have no business, professional, personal, or other relationship with Respondent that would interfere with the practice monitor's function or duties; and (3) possess specialized knowledge, education and experience in the same field of practice as that of Respondent, namely that of a licensed professional counselor, providing care and services to clients (to include of any or all ages) who present with issues pertaining to depression and/or anxiety and/or adjustment disorder and/or personality disorders and/or family dysfunction and/or trauma, and/or all other related types of underlying disorders and/or conditions.

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

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

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

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

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

7. Pursuant to Rule §681.93(h) Respondent's status as a supervisor is hereby revoked. Once the terms of this order have been completed Respondent may then reapply for supervisor status. Respondent must meet all applicable licensure rules and requirements at the time of reapplication for supervisor status, the fact that Respondent previously held supervisor status does not guarantee Respondent's future application will be approved.

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.

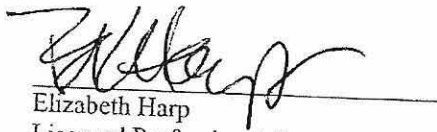
WAIVERS

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

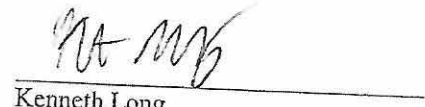
REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:


Elizabeth Harp
Licensed Professional Counselor
License No. 16139


DATE SIGNED: 9/24/2024

FOR THE STAFF OF THE COUNCIL:


Kenneth Long
Texas Bar No. 24078877
Staff Attorney
Texas Behavioral Health Executive Council
1801 Congress Ave., Ste. 7.300
Austin TX 78701

DATE SIGNED: 9/26/2024

APPROVED, RATIFIED, AND ENTERED THIS 27th DAY OF September, 2024.


Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 2024-00141

IN THE MATTER OF

JESSICA JONES

§ **BEFORE THE TEXAS BEHAVIORAL**
§ **HEALTH EXECUTIVE COUNCIL**
§
§ **THE TEXAS STATE BOARD**
§ **OF EXAMINERS OF**
§ **PROFESSIONAL COUNSELORS**

AGREED ORDER

Pursuant to its 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 Council, which have been approved and accepted by **JESSICA JONES** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a professional counselor (#20212) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent signed a Supervised Experience Documentation form which certified hours towards LPC licensure for an unlicensed person not entitled to such hours.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.
2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 507.301, and 507.351 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated 22 Tex. Admin. Code §§ 882.34(b), 681.41(a), 681.41(j), 681.41(l), 681.91(c), 681.93(a), and 681.93(f).

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent's license is hereby REPRIMANDED.
2. Respondent's status as a supervisor is hereby revoked. Once the terms of this order have been completed Respondent may then reapply for supervisor status. Respondent must meet all applicable licensure rules and requirements at the time of reapplication for supervisor status, the fact that Respondent previously held supervisor status does not guarantee Respondent's future application will be approved.

WARNING

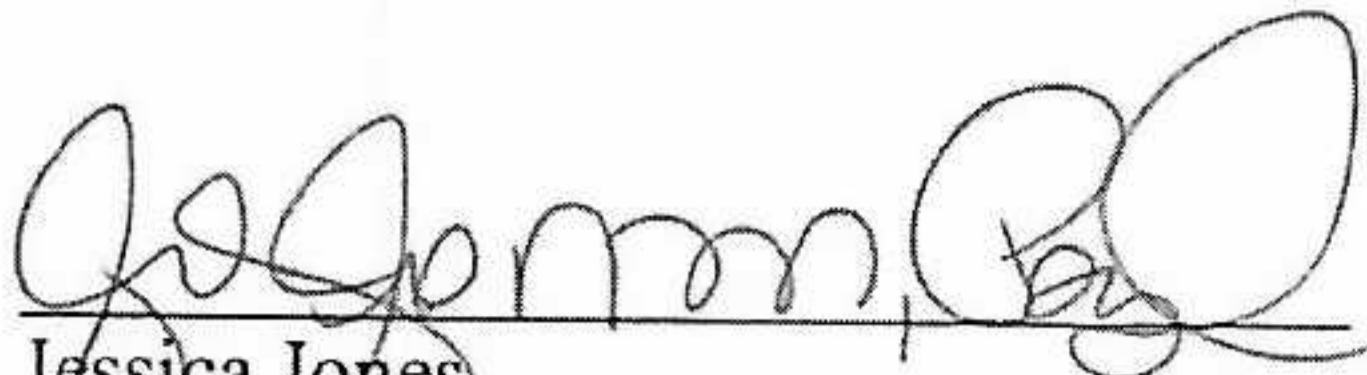
RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

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.

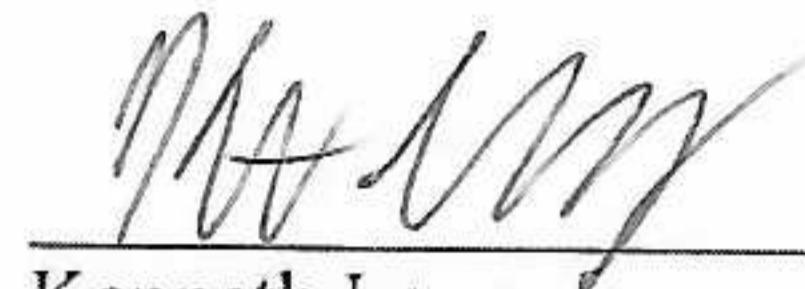
THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES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


Jessica Jones
Licensed Professional Counselor
License No. 20212


DATE SIGNED: 12.18.2024

FOR THE STAFF OF THE COUNCIL:


Kenneth Long
Texas Bar No. 24078877
Staff Attorney
Texas Behavioral Health Executive Council
1801 Congress Ave., Ste. 7.300
Austin, Texas 78701

DATE SIGNED: 12/18/2024

APPROVED, RATIFIED, AND ENTERED THIS 19th DAY OF December, 2024.


Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 2021-00392

IN THE MATTER OF

SUSANNAH KIRKSEY

§ **BEFORE THE TEXAS BEHAVIORAL**
§ **HEALTH EXECUTIVE COUNCIL**
§
§ **THE TEXAS STATE BOARD**
§ **OF EXAMINERS OF**
§ **PROFESSIONAL COUNSELORS**

AGREED ORDER

Pursuant to its 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 Council, which have been approved and accepted by **SUSANNAH KIRKSEY** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a professional counselor (#69814) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent failed to keep proper and accurate records regarding a client.
3. Respondent communicated in an unprofessional manner with a client.
4. Respondent attempted to hire a client for contract work as payment for services.
5. Respondent failed to timely provide records to a client when requested.
6. Respondent failed to timely provide records to the Council when requested.
7. Respondent advertised herself as an LPC and/or practiced professional counseling without an active license for approximately six months.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.

2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 507.301, and 507.351 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated 22 Tex. Admin. Code §§ 681.41(a), 681.41(e)(2021 ed.), 681.41(j)(2021 ed.), 681.41(l)(2021 ed.), 681.41(m)(2021 ed.), 681.41(p)(2021 ed.), 681.41(q)(2021 ed.), 681.41(t)(2021 ed.), 681.41(u)(2021 ed.), 681.45(a)-(c), 681.49(a), 882.21(a), 882.21(c), 882.23(a), 882.31, and 884.30.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent's license is SUSPENDED for a period of one (1) year from the effective date of this order. However, the one (1) year of suspension shall be PROBATED, so long as Respondent complies with all state and federal statutes and regulations pertaining to the practice of professional counseling. Although the probated suspension ordered herein will result in Respondent's license being restricted, Respondent shall take all steps necessary to renew and maintain Respondent's license while this order is in effect. Respondent's license shall remain on restricted status until all terms of this order have been satisfactorily completed.
2. Respondent, within one hundred and eighty (180) days of the date this order is ratified, shall complete and submit proof of completion of twenty-four (24) hours of professional development relating to record keeping. This professional development is in addition to the professional development hours required for license renewal. Respondent will pay all costs of the coursework.
3. Respondent shall be required to practice under the supervision of a practice monitor for a period of one (1) year from the date this order is ratified. Respondent shall, within thirty (30) days of the date this order is ratified, submit to the Council or its designee for approval the name and qualifications of a licensed professional counselor who has agreed to serve as a practice monitor. The practice monitor shall (1) be a Texas-licensed professional counselor – supervisor, with no record of disciplinary actions; (2) have no business, professional, personal, or other relationship with Respondent that would interfere with the practice monitor's function or duties; and (3) possess specialized knowledge, education and experience in the same field of practice as that of Respondent.

Once approved, the practice monitor shall submit to the Council or its designee a monitoring contract and plan by which Respondent's practice shall be monitored for compliance with ethical and legal practice standards, as well as the terms of this Order. Monitoring shall consist of at least one (1) hour of individual face-to-face meetings once per month. The Respondent shall provide the practice monitor with a copy of this Order

and access to Respondent's records. Respondent shall execute a release authorizing the practice monitor to divulge any information the Council or its designee may request.

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

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

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

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

WARNING

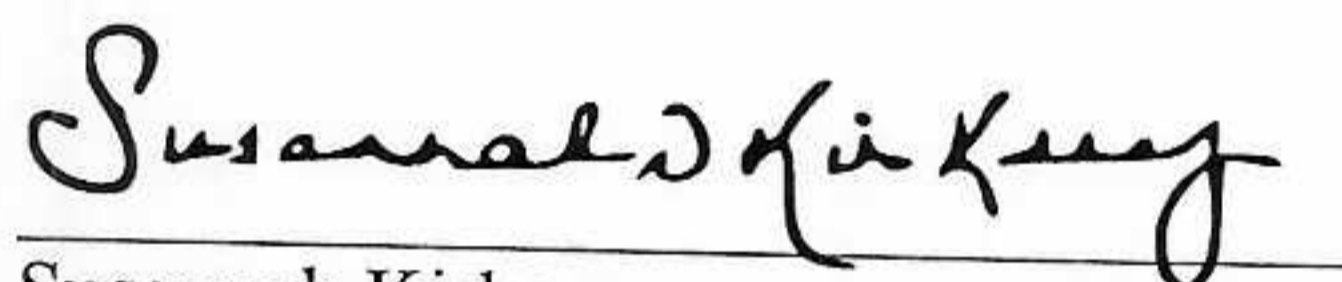
RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

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

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

FOR THE RESPONDENT:



Susannah Kirksey
Licensed Professional Counselor
License No. 69814

FOR THE STAFF OF THE COUNCIL:



Kenneth Long
Texas Bar No. 24078877
Staff Attorney
Texas Behavioral Health Executive Council
1801 Congress Ave., Ste. 7.300
Austin, TX 78701

DATE SIGNED: 11/22/24

DATE SIGNED: 11/22/2024

APPROVED, RATIFIED, AND ENTERED THIS 22nd DAY OF November, 2024.



Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 2023-00009

IN THE MATTER OF

MARGARITA MARTINEZ

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**BEFORE THE TEXAS BEHAVIORAL
HEALTH EXECUTIVE COUNCIL**

**THE TEXAS STATE BOARD
OF EXAMINERS OF
PROFESSIONAL COUNSELORS**

AGREED ORDER

Pursuant to its 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 Council, which have been approved and accepted by **MARGARITA T. MARTINEZ** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a Professional Counselor (#62510) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent did not provide records regarding a client in a timely manner.
3. Respondent mitigated this error and provided the records regarding the client.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.
2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 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 22 TAC §681.45(c) pertaining to Confidentiality and Required Reporting.
4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order,

Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

Respondent, by signing this Agreed Order, hereby voluntarily and permanently **RESIGNS** her license (#62510) in lieu of further adjudication by the Council on these matters and will return her license to the Board within twenty (20) days of the ratification of this Agreed Order.

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.

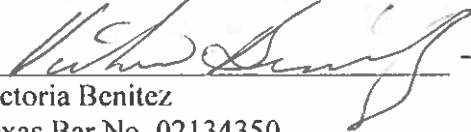
THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES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

M Martinez

Margarita Martinez
Licensed Professional Counselor
#62510

FOR THE STAFF OF THE COUNCIL:



Victoria Benitez
Texas Bar No. 02134350
Staff Attorney
Texas Behavioral Health Executive Council
1801 Congress Ave., Ste. 7.300
Austin, Texas 78701

DATE SIGNED: 09/13/2024

DATE SIGNED: 9/19/24

APPROVED, RATIFIED, AND ENTERED THIS 19th DAY OF September, 2024.

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

Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 2024-00452 AND 2024-00485

IN THE MATTER OF

TAMMY SCHAALE

§ BEFORE THE TEXAS BEHAVIORAL
§ HEALTH EXECUTIVE COUNCIL
§
§ THE TEXAS STATE BOARD
§ OF EXAMINERS OF
§ PROFESSIONAL COUNSELORS

AGREED ORDER

Pursuant to its authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(c), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of Council, which have been approved and accepted by TAMMY SCHAALE ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a professional counselor (#75680) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent formed an improper dual relationship with a client.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.
2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 507.301, and 507.351 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated 22 Tex. Admin. Code §§ 681.38(c) and 681.38(d).

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 (#75680) 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

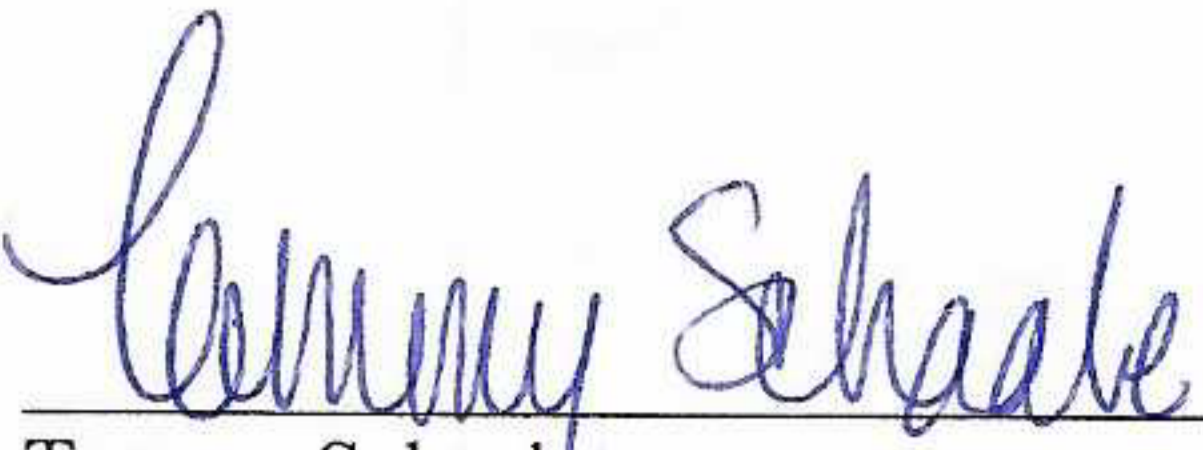
RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

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:

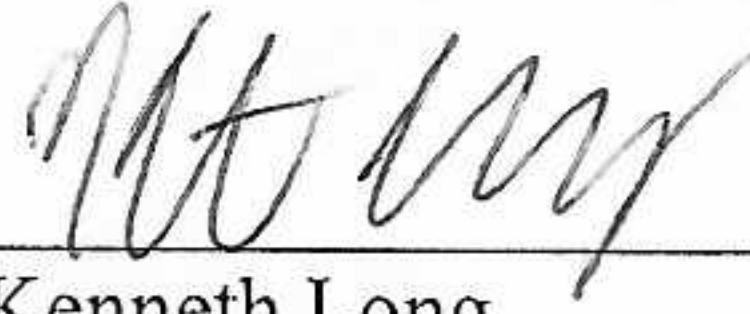


Tammy Schaale
Licensed Professional Counselor
License No. 75680

DATE SIGNED: 11/23/24

FOR THE STAFF OF THE COUNCIL:

2024 DEC -4 PM 4:16



Kenneth Long
Texas Bar No. 24078877
Staff Attorney
Texas Behavioral Health Executive Council
1801 Congress Ave., Ste. 7.300
Austin, Texas 78701

DATE SIGNED: 12/5/2024

APPROVED, RATIFIED, AND ENTERED THIS 5th DAY OF December, 2024



Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 2024-00474

IN THE MATTER OF

ELAINE SIKES, LPC

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**BEFORE THE TEXAS BEHAVIORAL
HEALTH EXECUTIVE COUNCIL**

**THE TEXAS STATE BOARD
OF EXAMINERS OF
PROFESSIONAL COUNSELORS**

AGREED ORDER

Pursuant to its 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 Council, which have been approved and accepted by **Elaine Sikes, LPC** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a professional counselor (#82527) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent did not employ appropriate boundaries with regards to a client on or about September 3, 2023.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.
2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 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 681.38(c).
4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

7. Respondent, by signing this Agreed Order, hereby voluntarily and permanently **RESIGNS** his or her license (#82527) in lieu of further adjudication by the Council on these matters.
8. Respondent shall return his or her license to the Council no later than fourteen (14) days after the date this order is ratified.
9. 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.
10. 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.
11. If before all of the terms, conditions, and restrictions of this order are complete Respondent applies, qualifies, and is granted an upgraded license, then all of the same terms, conditions, and restrictions of this order shall apply to the upgraded license without the need of entering a new order against the upgraded license.

WARNING

RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.


WAIVERS

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

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

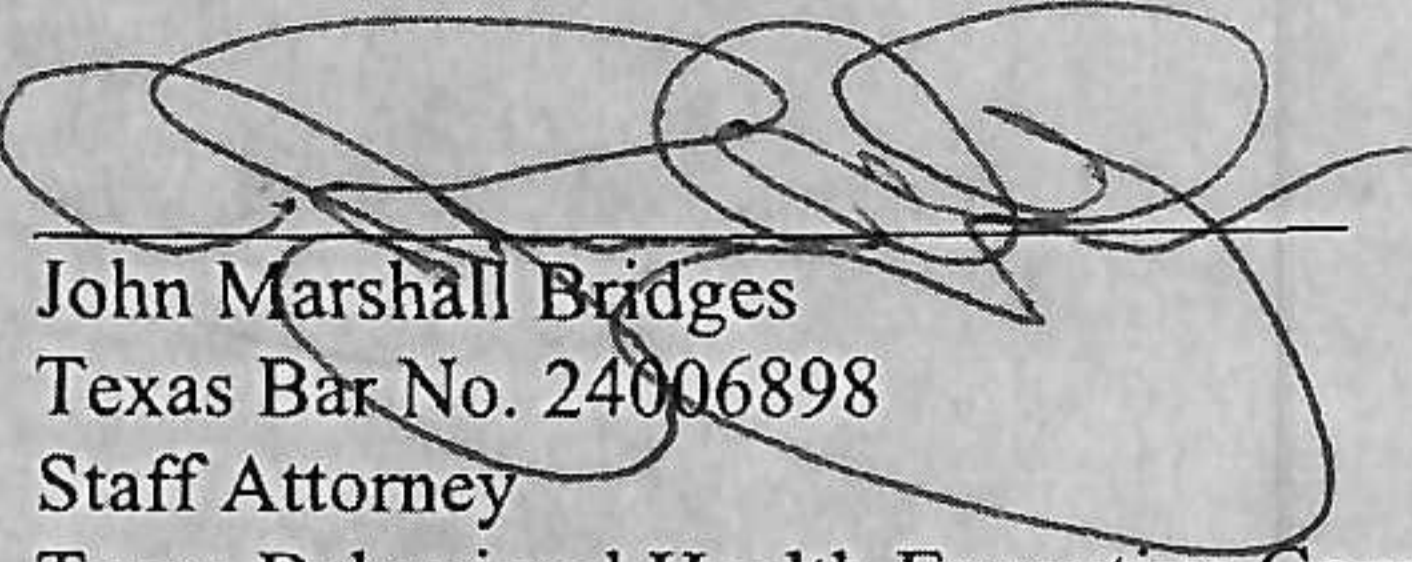
OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER
REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:


Elaine Sikes, Licensed Professional
Counselor 82527

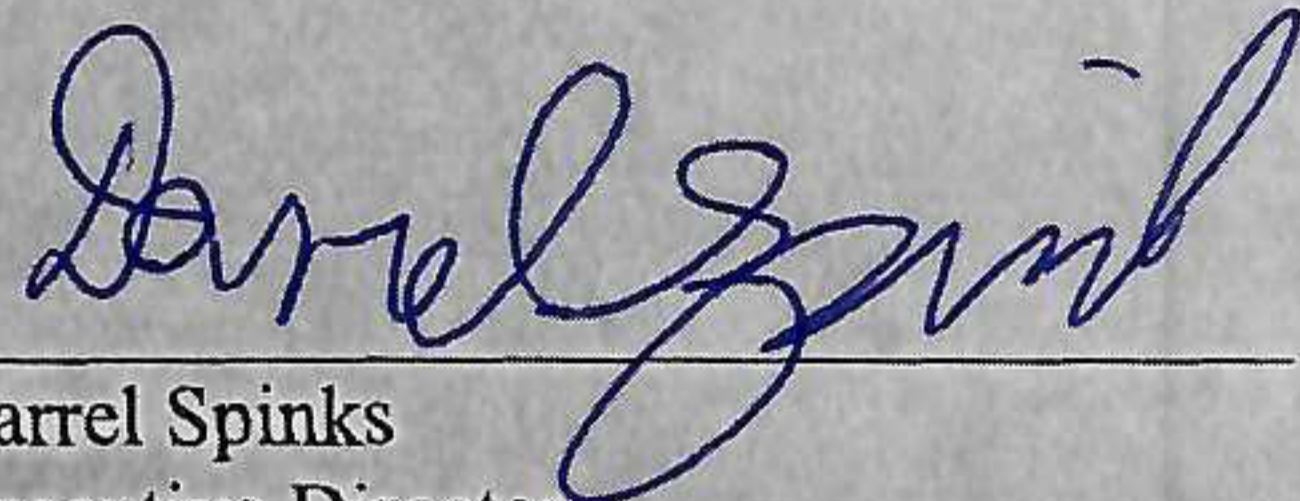
DATE SIGNED: 2/4/2025

FOR THE STAFF OF THE COUNCIL:


John Marshall Bridges
Texas Bar No. 24006898
Staff Attorney
Texas Behavioral Health Executive Council
1801 Congress Ave., Suite 7.300
Austin, Texas 78701

DATE SIGNED: 2/12/2025

APPROVED, RATIFIED, AND ENTERED THIS 12th DAY OF February, 2025.


Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 2023-00439

IN THE MATTER OF

MELISSA STRINGER, LPC

§ BEFORE THE TEXAS BEHAVIORAL
§ HEALTH EXECUTIVE COUNCIL
§
§ THE TEXAS STATE BOARD
§ OF EXAMINERS OF
§ PROFESSIONAL COUNSELORS

AGREED ORDER

Pursuant to its 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 Council, which have been approved and accepted by **Melissa Stringer, LPC** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a licensed professional counselor (#79533) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent continued to practice with an expired license from September 30th, 2022, until June 8th, 2023.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.
2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 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 §882.21 (c) and §882.23 (a) and (c).
4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. 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 \$500.00; of which \$400.00 represents administrative costs and \$100.00 represents an administrative penalty.
2. Respondent's license is hereby REPRIMANDED.
7. If before all of the terms, conditions, and restrictions of this order are complete Respondent applies, qualifies, and is granted an upgraded license, then all of the same terms, conditions, and restrictions of this order shall apply to the upgraded license without the need of entering a new order against the upgraded license.

WARNING

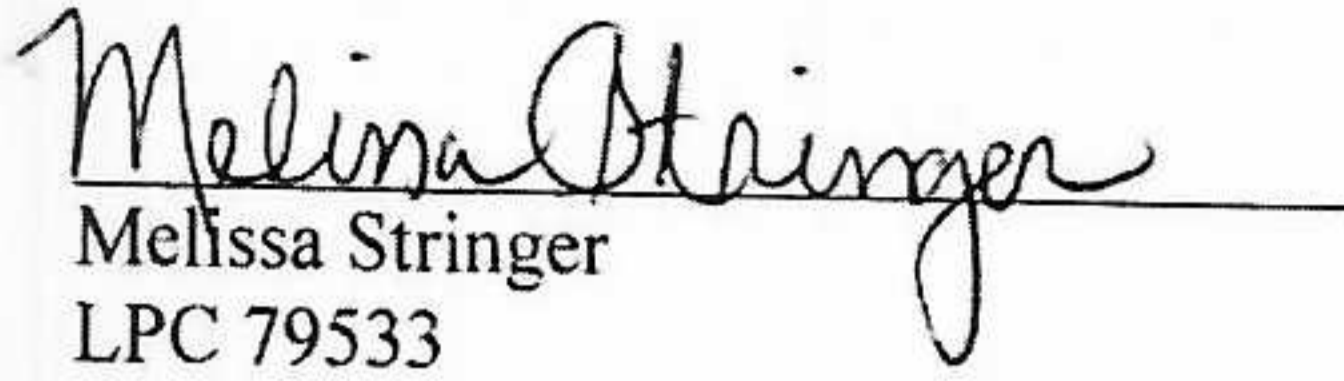
RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

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

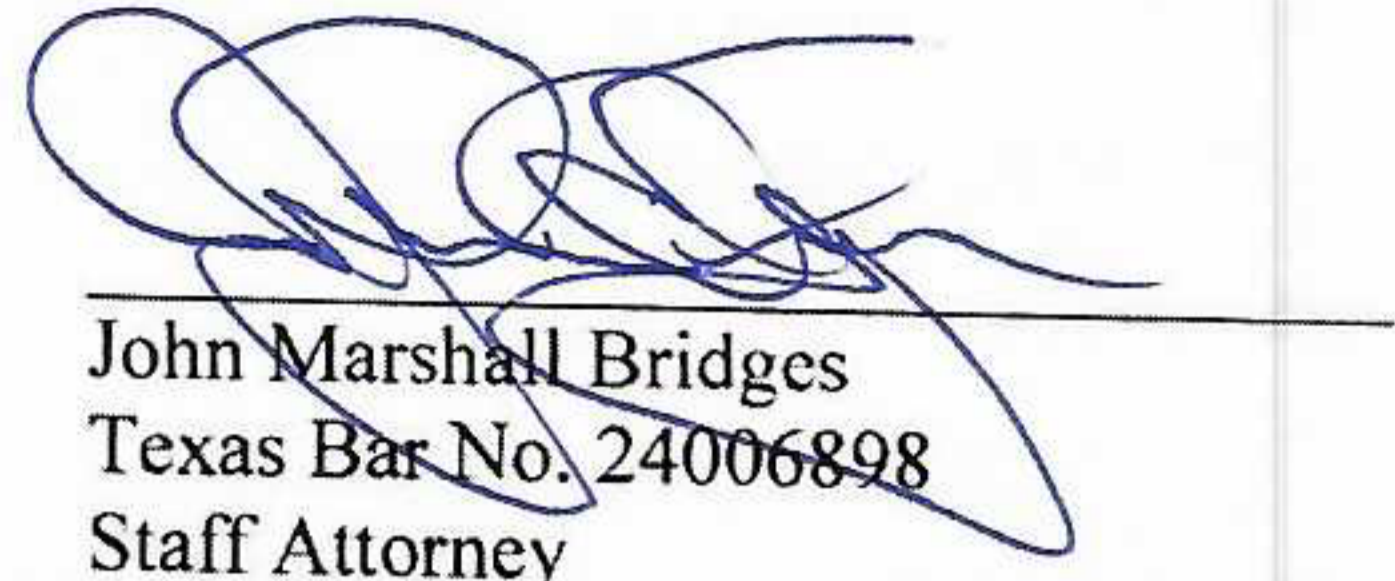
THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES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

FOR THE RESPONDENT:


Melissa Stringer
LPC 79533


DATE SIGNED: 02/26/2025

FOR THE STAFF OF THE COUNCIL:


John Marshall Bridges
Texas Bar No. 24006898
Staff Attorney
Texas Behavioral Health Executive Council
1801 Congress Ave, Suite 7.300
Austin, TX 78701

DATE SIGNED: 2/27/2025

APPROVED, RATIFIED, AND ENTERED THIS 27th DAY OF February, 2025.


Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 2025-00134

IN THE MATTER OF

EMILY WEAVER, LPC

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**BEFORE THE TEXAS BEHAVIORAL
HEALTH EXECUTIVE COUNCIL**

**THE TEXAS STATE BOARD
OF EXAMINERS OF
PROFESSIONAL COUNSELORS**

AGREED ORDER

Pursuant to its 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 Council, which have been approved and accepted by **EMILY WEAVER, LPC** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a professional counselor (#88059) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent crossed acceptable boundaries with a client.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.
2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 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 681.38, 681.41, and 681.42.
4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

5. Respondent, by signing this Agreed Order, hereby voluntarily **RESIGNS** her license (#88059) in lieu of further adjudication by the Council on these matters.
6. Respondent shall return his or her license to the Council no later than fourteen (14) days after the date this order is ratified.
7. 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.
8. 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:

Emily P. Weaver
Emily Weaver, LPC
#88059

DATE SIGNED: 01/05/2025

FOR THE STAFF OF THE COUNCIL:

John Marshall Bridges
John Marshall Bridges
Texas Bar No. 24006898
Staff Attorney
Texas Behavioral Health Executive Council
1801 Congress Ave., Suite 7.300
Austin, Texas 78701

DATE SIGNED: 1/14/2025

APPROVED, RATIFIED, AND ENTERED THIS 15th DAY OF January, 2025.

Darrel Spinks
Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

COMPLAINT NO. 2024-00616

IN THE MATTER OF

JOHN WELLS

§ **BEFORE THE TEXAS BEHAVIORAL**
§ **HEALTH EXECUTIVE COUNCIL**
§
§ **THE TEXAS STATE BOARD**
§ **OF EXAMINERS OF**
§ **PROFESSIONAL COUNSELORS**

AGREED ORDER

Pursuant to its 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 Council, which have been approved and accepted by **JOHN WELLS** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a professional counselor (#16878) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent developed a dual relationship with a client.
3. Respondent had a sexual relationship with a client.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.
2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 507.301, and 507.351 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated 22 Tex. Admin. Code §§ 681.38(c), 681.38(d), and 681.42(b).

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 (#16878) 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.
5. Within fourteen (14) days after the date this order is ratified, Respondent shall submit to the Council a written transition plan for referring out his remaining clients.
6. Respondent shall have no contact, by email, text, telephone, or any other manner, with the Complainant in this case or Complainant's family except for responding to a written request for records, in which case Respondent must promptly respond as required by law.

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:



John Wells
Licensed Professional Counselor
License No. 16878

DATE SIGNED: 01/13/2025


FOR THE STAFF OF THE COUNCIL:



Kenneth Long
Texas Bar No. 24078877
Staff Attorney
Texas Behavioral Health Executive Council
1801 Congress Ave., Ste. 7.300
Austin, Texas 78701

DATE SIGNED: 1/14/2025

APPROVED, RATIFIED, AND ENTERED THIS 15th DAY OF January, 2025.



Darrel Spinks
Executive Director
Texas Behavioral Health Executive Council

1st QUARTER PERFORMANCE MEASURES
FISCAL YEAR 2025

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

by

**Texas Behavioral Health Executive
Council**


Executive Director

January 6, 2025


Date

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

1/6/2025 7:24:42AM

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2025 Target	2025 Actual	2025 YTD	Percent of Annual Target	Target Range
Output Measures					
<u>1-1-1 LICENSING</u>					
1 # NEW LICENSEES ISSUED					
Quarter 1	9,300.00	2,734.00	2,734.00	29.40 %	1,860.00 - 2,790.00
2 # LICENSE RENEWALS					
Quarter 1	29,000.00	8,458.00	8,458.00	29.17 %	5,800.00 - 8,700.00
<u>2-1-1 ENFORCEMENT</u>					
1 COMPLAINTS RESOLVED					
Quarter 1	610.00	69.00	69.00	11.31 % *	122.00 - 183.00
<u>Explanation of Variance:</u> FACTORS CAUSING THE VARIANCE: The FY25 target for number of complaints resolved is 610, or 152 per quarter. During the first quarter of FY 25, the agency fell short of its target by resolving only 69 complaints.					
HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE: The agency had 670 pending complaints at the end of this quarter and received 178 complaints during the first quarter. 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 80% 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.					
2 COMPLAINTS PENDING					

* 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)

1/6/2025 7:24:42AM

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2025 Target	2025 Actual	2025 YTD	Percent of Annual Target	Target Range
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Output Measures

2 COMPLAINTS PENDING

Quarter 1	500.00	670.00	670.00	134.00 % *	475.00 - 525.00
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for number of complaints pending is 500. During the first quarter of FY 25, the agency had 670 complaints pending. Of this amount, approximately 80% 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.

Efficiency Measures

1-1-1 LICENSING

1 AVG TIME TO PROCESS APP (DAYS)

* 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)

1/6/2025 7:24:42AM

Agency code: **510**

Agency name: **Behavioral Health Executive Council**

Type/Strategy/Measure	2025 Target	2025 Actual	2025 YTD	Percent of Annual Target	Target Range
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Efficiency Measures

1 AVG TIME TO PROCESS APP (DAYS)

Quarter 1	55.00	29.81	29.81	54.20 % *	52.25 - 57.75
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Explanation of Variance: **FACTORS CAUSING THE VARIANCE:**

The FY25 target for the average time for license issuance is 55 days. In the first quarter of FY 25, 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 24 was 30 days. This number has remained 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 beat 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

1 AVG TIME/COMPLAINT RESOLUTION

* 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)

1/6/2025 7:24:42AM

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2025 Target	2025 Actual	2025 YTD	Percent of Annual Target	Target Range
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Efficiency Measures

1 AVG TIME/COMPLAINT RESOLUTION

Quarter 1	625.00	309.94	309.94	49.59 % *	593.75 - 656.25
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for the average time for complaint resolution is 625 days. In the first quarter of FY 25, the agency bested this measure by having an average processing resolution time of 310 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for complaint resolution for FY 24 was 312 days. This number has now slightly decreased to an average of 310 days. Even with the dedication and efficiency of the enforcement and legal staff, 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 while this target on average will continue to be met or beat during the biennium, the quarterly average may begin 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
1st QUARTER MEASURES
FY 2025

Number of Licenses Renewed (from ald12)

LSSP	495
LIC	686
LPA	97
LPC	3235
MFT	453
LBSW	407
LMSW	1351
LCSW	1718
AP	16

Total 8,458

Number of Licenses Issued (from ald11 and BO)

LPA	24
PLP	104
LIC	102
LSSP	20
LPCA	704
LPC	140
LPC Upgrade	491
MFTA	82
MFT	64
MFT Upgrade	63
LBSW	24
LMSW	467
LCSW	120
LMSW Upgrade	18
LCSW Upgrade	305
TEMP SW	6

Total 2,734

Number of Complaints Resolved (from BO report)

LP/LPA	11
LSSP	1
LPC	35
MFT	9
SW	13
Total	69

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

1 st Qtr	23/69 =	34%
2 nd Qtr		
3 rd Qtr		
4 th Qtr		
YTD	23/69 =	34%

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

1 st Qtr	14/69 =	20%
2 nd Qtr		
3 rd Qtr		
4 th Qtr		
YTD	14/69 =	20%

Average Time for Complaint Resolution (from BO report)

1 st Qtr	21,386 days to resolve 69 complaints = 309.94 days	
2 nd Qtr		
3 rd Qtr		
4 th Qtr		
YTD	21,386 days to resolve 69 complaints =	309.94 days

Number of Complaints Pending (from BO report) 670

Closed	24
Investigation Completed	46
ISC Scheduled	10
Legal Review	289
NOV Sent	3
Open	204
Under Investigation	94

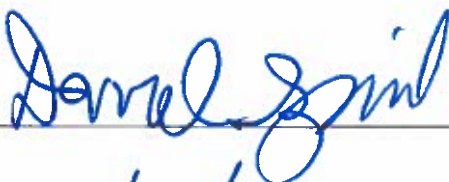
Average Time for Application Processing (from BO report) (**Bold averages only**)

1 st Qtr	77,170 days to process 2,589 applications =	29.81 days
2 nd Qtr		
3 rd Qtr		
4 th Qtr		
YTD	77,170 days to process 2,589 applications =	29.81 days

LPA Initial	1189 days to process 31 applications =	38.36
LPA Final	4462 days to process 24 applications =	185.92
LIC Initial	6850 days to process 116 applications =	59.06
LIC Final	22565 days to process 102 applications =	221.23
LSSP	999 days to process 20 applications =	49.95
Temp LIC	386 days to process 20 applications =	19.30
LPC Initial	8140 days to process 140 applications =	58.15
LPCA Initial	22552 days to process 704 applications =	32.04
LPC Upgrade	5667 days to process 491 applications =	11.55
MFT License	4523 days to process 64 applications =	70.68
MFTA License	13183 days to process 82 applications =	160.77
MFTA Upgrade	791 days to process 63 applications =	12.56
SW License	10706 days to process 445 applications =	24.06
SW OOS License	7570 days to process 166 applications =	45.61
SW Upgrade	7594 days to process 323 applications =	23.51
Temp SW License	203 days to process 6 applications =	33.84

- 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:



Date:



**TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL
ANNUAL MEASURES
FY 2025**

Number of Jurisdictional Complaints Received FY24 (from BO report) 178

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

$$33/222 = 14.86\%$$

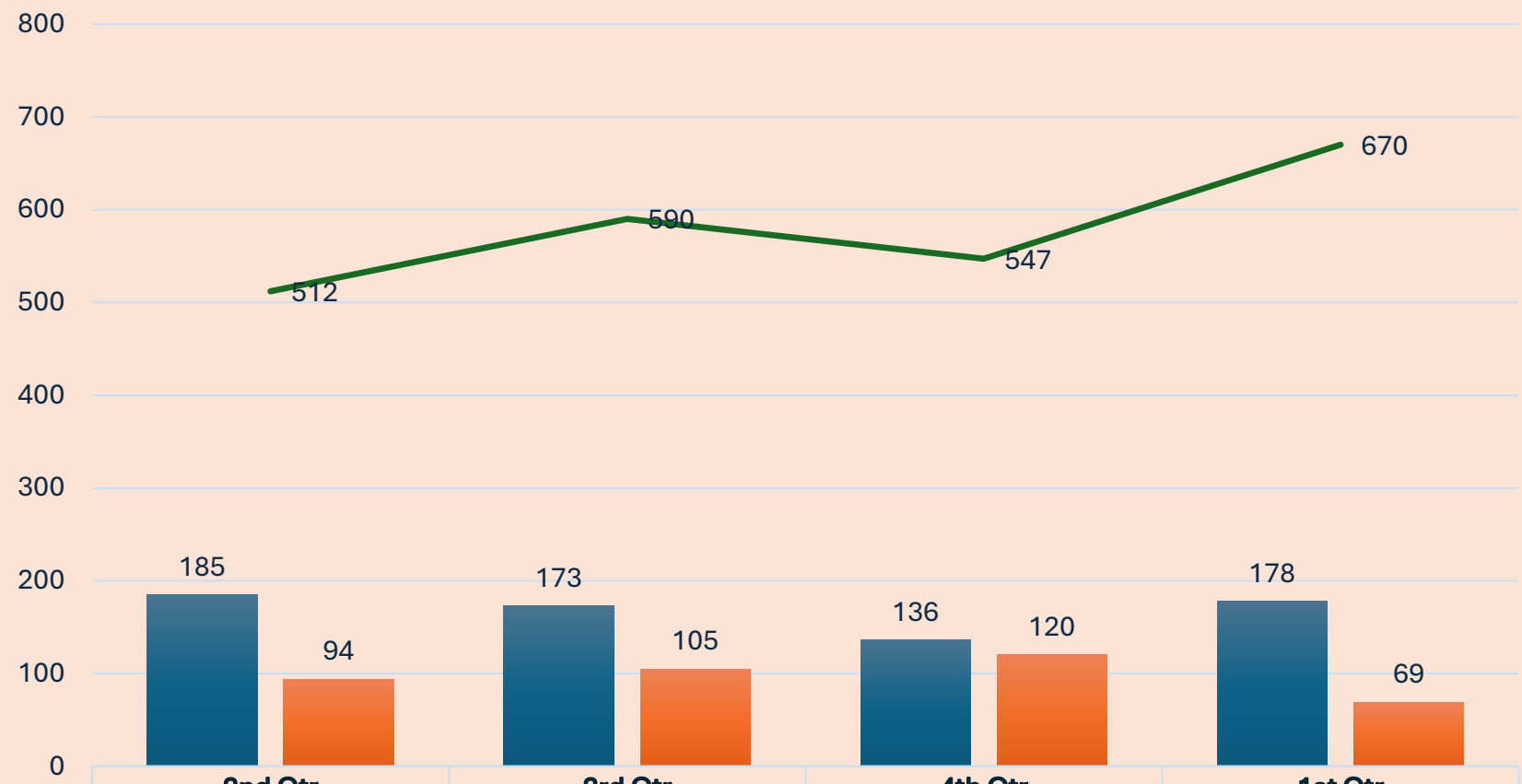
Calculation Reviewed by: _____

Date: _____

Q1 FY 2025 Enforcement Report

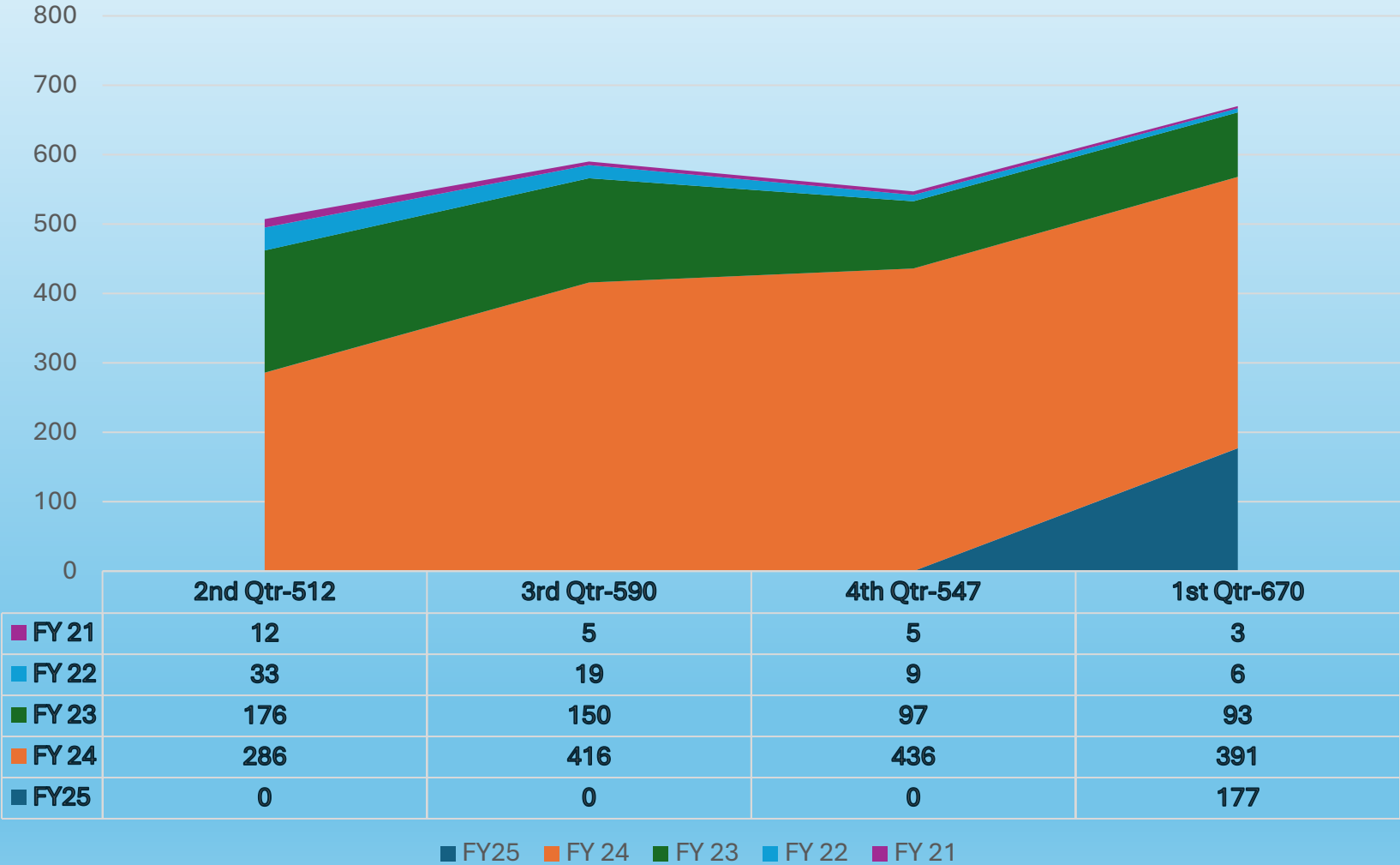
(September 1, 2024-November 30, 2024)

New Complaints Received and Total Pending

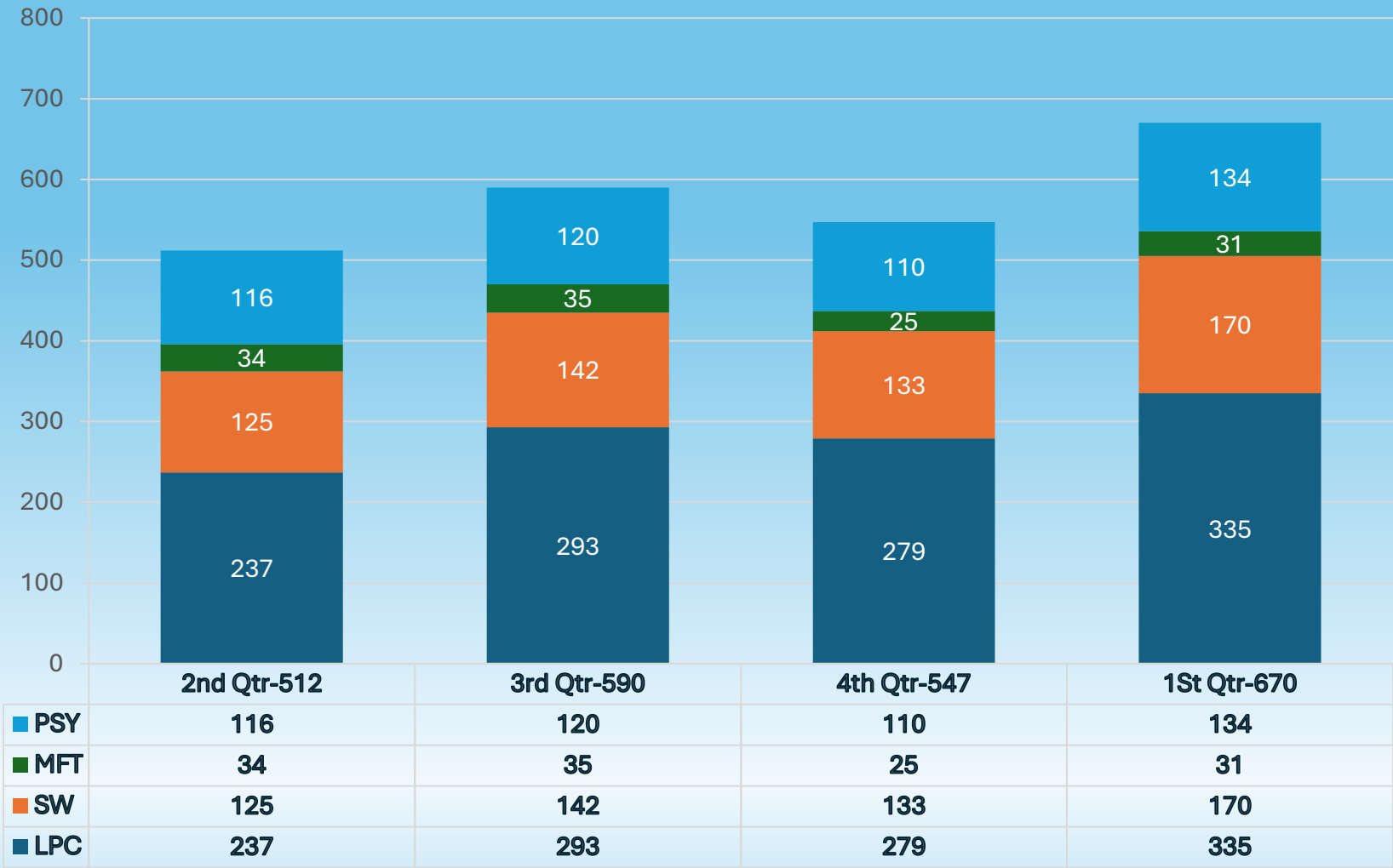


New Complaints Received	185	173	136	178
Complaints Resolved	94	105	120	69
Total Pending Complaints	512	590	547	670

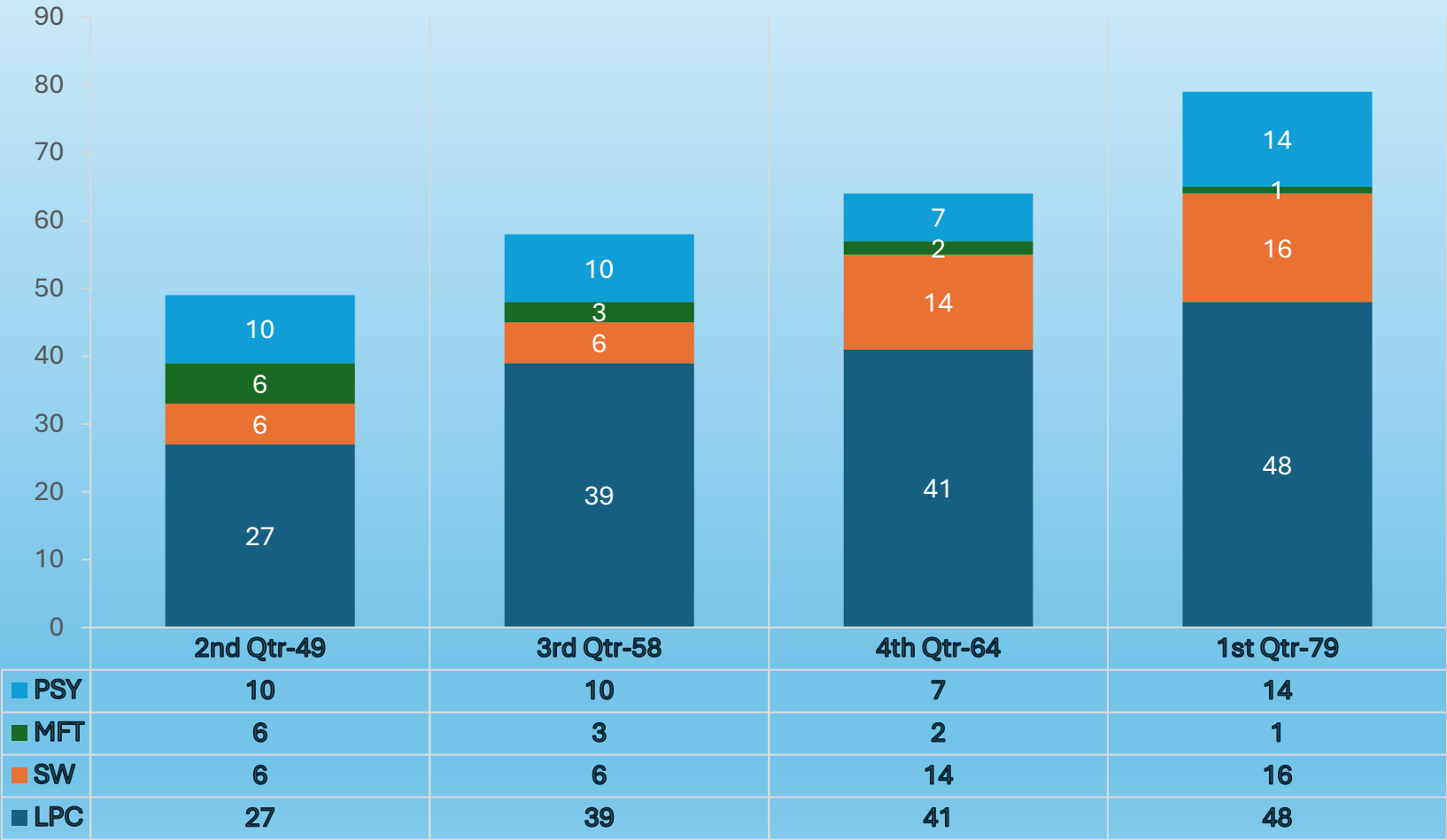
Pending Complaints by Fiscal Year



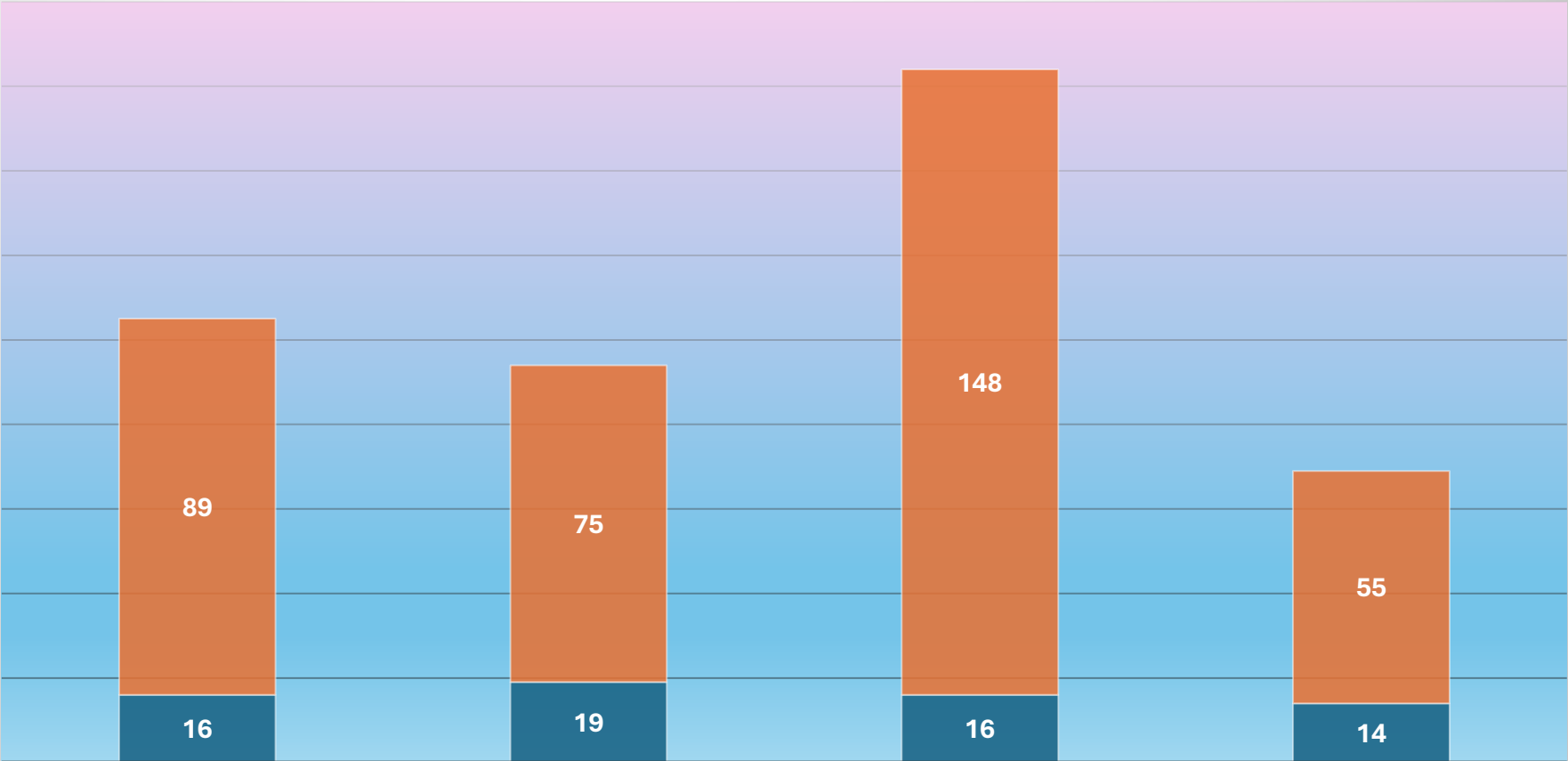
PENDING COMPLAINTS BY BOARD



PRIORITY 1 COMPLAINTS (IMMINENT PHYSICAL HARM AND SEXUAL MISCONDUCT)



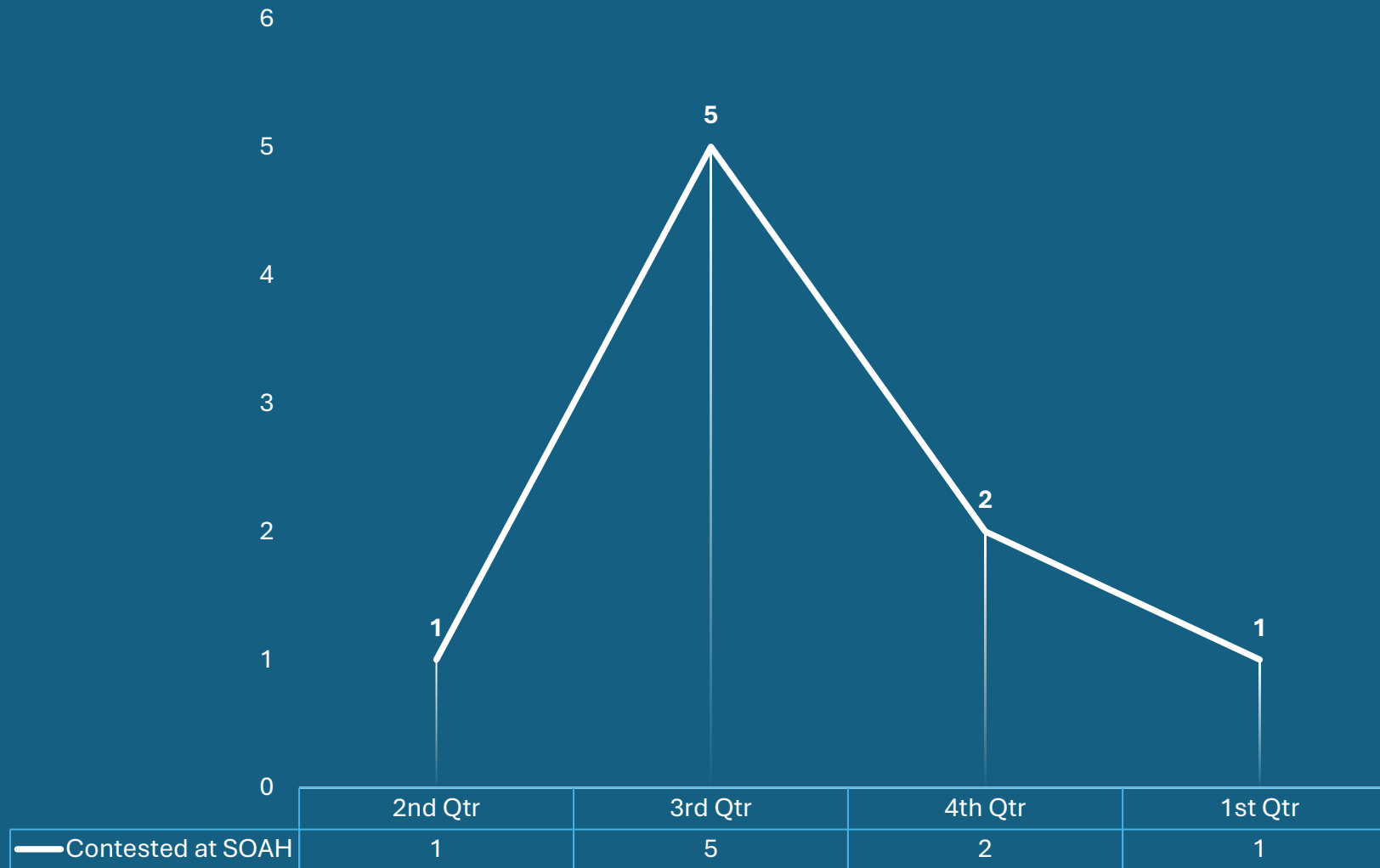
Complaints Resolved



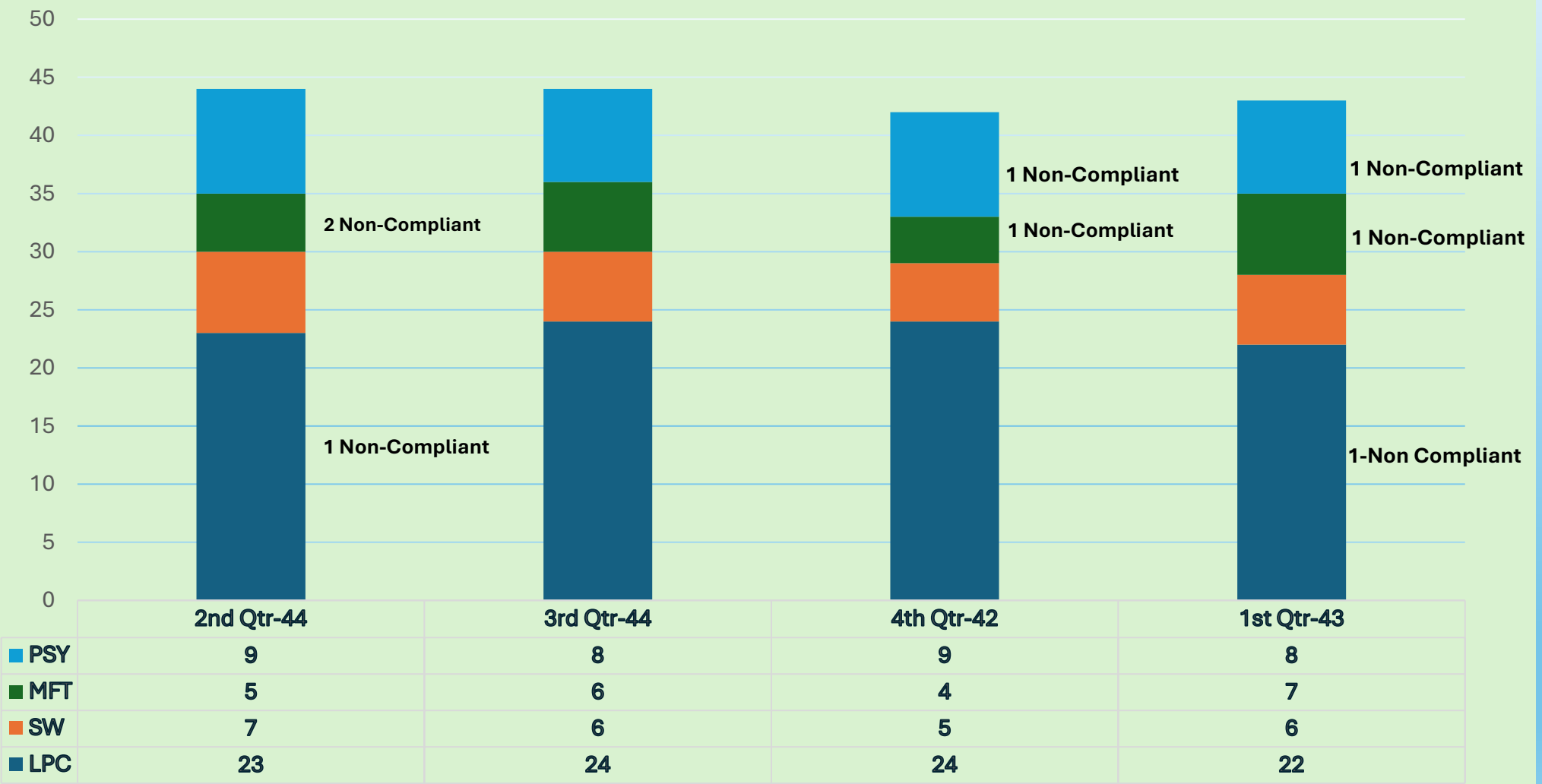
■ By Dismissal
■ By Disciplinary Order

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

CONTESTED AT SOAH



Under Compliance



Q1 FY25 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

2nd QUARTER PERFORMANCE MEASURES
FISCAL YEAR 2025

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

by

**Texas Behavioral Health Executive
Council**


Executive Director

March 18, 2025


Date

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

3/18/2025 2:09:58PM

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2025 Target	2025 Actual	2025 YTD	Percent of Annual Target	Target Range
Output Measures					
<u>1-1-1 LICENSING</u>					
1 # NEW LICENSEES ISSUED					
Quarter 1	9,300.00	2,734.00	2,734.00	29.40 %	1,860.00 - 2,790.00
Quarter 2	9,300.00	2,890.00	5,624.00	60.47 % *	4,185.00 - 5,115.00
<u>Explanation of Variance:</u> FACTORS CAUSING THE VARIANCE:					
The FY25 target for number of new licenses issued is 9,300, or 2,325 per quarter. During the second quarter of FY 25, the agency exceeded its target by issuing 2,890 for the quarter. The agency cannot predict how many applicants will qualify for licensure, and processes all applications in a timely manner.					
<u>HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:</u>					
The number of new licenses issued each quarter (with the exception of the fourth quarter, when there are more applications received) is averaging over 2,800 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 the agency 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.					
2 # LICENSE RENEWALS					
Quarter 1	29,000.00	8,458.00	8,458.00	29.17 %	5,800.00 - 8,700.00

* Varies by 5% or more from target.

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

3/18/2025 2:09:58PM

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2025 Target	2025 Actual	2025 YTD	Percent of Annual Target	Target Range
Output Measures					
2 # LICENSE RENEWALS					
Quarter 2	29,000.00	8,777.00	17,235.00	59.43 % *	13,050.00 - 15,950.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for number of licenses renewed is 29,000, or 7,250 per quarter. During the second quarter of FY 25, the agency exceeded its target by renewing 8,777 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.

2-1-1 ENFORCEMENT

1 COMPLAINTS RESOLVED

* Varies by 5% or more from target.

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

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Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2025 Target	2025 Actual	2025 YTD	Percent of Annual Target	Target Range
Output Measures					
1 COMPLAINTS RESOLVED					
Quarter 1	610.00	69.00	69.00	11.31 % *	122.00 - 183.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for number of complaints resolved is 610, or 152 per quarter. During the first quarter of FY 25, the agency fell short of its target by resolving only 69 complaints.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The agency had 670 pending complaints at the end of this quarter and received 178 complaints during the first quarter. 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 80% 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.

Efficiency/Output Measures with Cover Page and Update Explanation
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Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2025 Target	2025 Actual	2025 YTD	Percent of Annual Target	Target Range
Output Measures					
1 COMPLAINTS RESOLVED					
Quarter 2	610.00	193.00	262.00	42.95 % *	274.50 - 335.50

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for number of complaints resolved is 610, or 152 per quarter. During the second quarter of FY 25, the agency exceeded its target by resolving 193 complaints.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The agency had 633 pending complaints at the end of this quarter and received 157 complaints during the first quarter. 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 80% of the existing pending complaints have been investigated and referred to the legal division, which is understaffed. Therefore, the agency has requested additional staff attorneys in its 26-27 LAR to address this.

2 COMPLAINTS PENDING

* Varies by 5% or more from target.

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Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2025 Target	2025 Actual	2025 YTD	Percent of Annual Target	Target Range
Output Measures					
2 COMPLAINTS PENDING					
Quarter 1	500.00	670.00	670.00	134.00 % *	475.00 - 525.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for number of complaints pending is 500. During the first quarter of FY 25, the agency had 670 complaints pending. Of this amount, approximately 80% 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.

Quarter 2	500.00	633.00	633.00	126.60 % *	475.00 - 525.00
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for number of complaints pending is 500. During the second quarter of FY 25, the agency had 633 complaints pending. Of this amount, approximately 80% 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.

* Varies by 5% or more from target.

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Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2025 Target	2025 Actual	2025 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	29.81	29.81	54.20 % *	52.25 - 57.75
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for the average time for license issuance is 55 days. In the first quarter of FY 25, 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 24 was 30 days. This number has remained 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 beat 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.

Quarter 2	55.00	31.92	30.90	56.18 % *	52.25 - 57.75
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for the average time for license issuance is 55 days. In the second quarter of FY 25, the agency bested this measure by having an average license issuance time of only 32 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for license issuance for FY 24 was 30 days. This number has remained an average of 30-31 days, due to the dedication and efficiency of the licensing staff. The agency believes that this target will continue to be met or beat 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.

* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation
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Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2025 Target	2025 Actual	2025 YTD	Percent of Annual Target	Target Range
Efficiency Measures					
<u>2-1-1 ENFORCEMENT</u>					
1 AVG TIME/COMPLAINT RESOLUTION					
Quarter 1	625.00	309.94	309.94	49.59 % *	593.75 - 656.25

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for the average time for complaint resolution is 625 days. In the first quarter of FY 25, the agency bested this measure by having an average processing resolution time of 310 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for complaint resolution for FY 24 was 312 days. This number has now slightly decreased to an average of 310 days. Even with the dedication and efficiency of the enforcement and legal staff, 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 while this target on average will continue to be met or beat during the biennium, the quarterly average may begin 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.

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

3/18/2025 2:09:58PM

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2025 Target	2025 Actual	2025 YTD	Percent of Annual Target	Target Range
Efficiency Measures					
1 AVG TIME/COMPLAINT RESOLUTION					
Quarter 2	625.00	288.04	293.81	47.01 % *	593.75 - 656.25

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for the average time for complaint resolution is 625 days. In the second quarter of FY 25, the agency bested this measure by having an average processing resolution time of 288 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for complaint resolution for FY 24 was 312 days. This number has now slightly decreased to an average of 294 days. Even with the dedication and efficiency of the enforcement and legal staff, 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 while this target on average will continue to be met or beat during the biennium, the quarterly average may begin 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
2nd QUARTER MEASURES
FY 2025

Number of Licenses Renewed (from ald12)

LSSP	477
LIC	719
LPA	78
LPC	3428
MFT	444
LBSW	386
LMSW	1472
LCSW	1756
AP	17

Total 8,777

Number of Licenses Issued (from ald11 and BO)

LPA	8
PLP	119
LIC	72
LSSP	17
LPCA	781
LPC	124
LPC Upgrade	572
MFTA	75
MFT	52
MFT Upgrade	45
LBSW	39
LMSW	391
LCSW	187
LMSW Upgrade	20
LCSW Upgrade	384
TEMP SW	4

Total 2,890

Number of Complaints Resolved (from BO report)

LP/LPA	14
LSSP	0
LPC	116
MFT	15
SW	48
Total	193

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

1 st Qtr	23/69 =	34%
2 nd Qtr	93/193 =	49%
3 rd Qtr		
4 th Qtr		
YTD	116/262 =	45%

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

1 st Qtr	14/69 =	20%
2 nd Qtr	21/193 =	11%
3 rd Qtr		
4 th Qtr		
YTD	35/262 =	14%

Average Time for Complaint Resolution (from BO report)

1 st Qtr	21,386 days to resolve 69 complaints = 309.94 days	
2 nd Qtr	55,592 days to resolve 193 complaints = 288.04 days	
3 rd Qtr		
4 th Qtr		
YTD	76,978 days to resolve 262 complaints =	293.81 days

Number of Complaints Pending (from BO report) 633

Closed	16
Investigation Completed	27
ISC Scheduled	8
Legal Review	327
NOV Sent	13
Open	148
Under Investigation	94

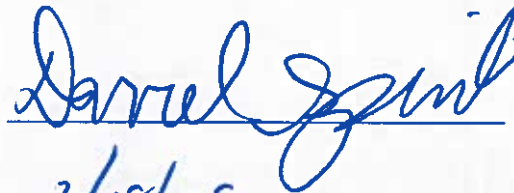
Average Time for Application Processing (from BO report) (**Bold averages only**)

1 st Qtr	77,170 days to process 2,589 applications =	29.81 days
2 nd Qtr	88,664 days to process 2,778 applications =	31.92 days
3 rd Qtr		
4 th Qtr		
YTD	165,834 days to process 5,367 applications =	30.90 days

LPA Initial	378 days to process 17 applications =	22.24
LPA Final	1439 days to process 8 applications =	179.88
LIC Initial	7845 days to process 132 applications =	59.44
LIC Final	15366 days to process 72 applications =	213.42
LSSP	572 days to process 17 applications =	33.65
Temp LIC	245 days to process 11 applications =	22.28
LPC Initial	10233 days to process 124 applications =	82.53
LPCA Initial	24019 days to process 781 applications =	30.76
LPC Upgrade	6008 days to process 572 applications =	10.51
MFT License	4286 days to process 52 applications =	82.43
MFTA License	13475 days to process 75 applications =	179.67
MFTA Upgrade	618 days to process 47 applications =	13.15
SW License	10051 days to process 373 applications =	26.95
SW OOS License	14261 days to process 244 applications =	58.45
SW Upgrade	10091 days to process 404 applications =	24.98
Temp SW License	57 days to process 4 applications =	14.25

- 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:



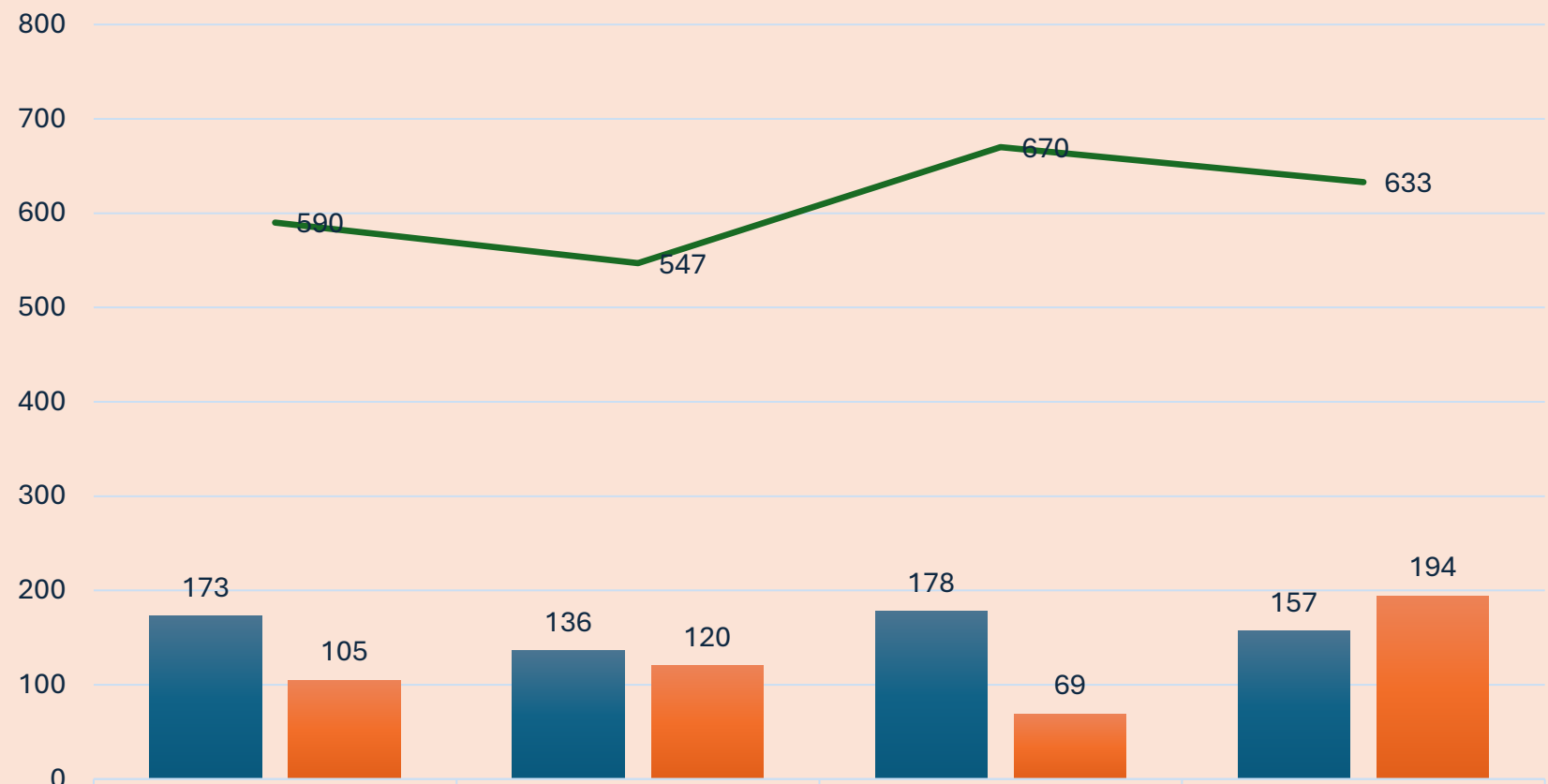
Date:

3/18/25

Q2 FY 2025 Enforcement Report

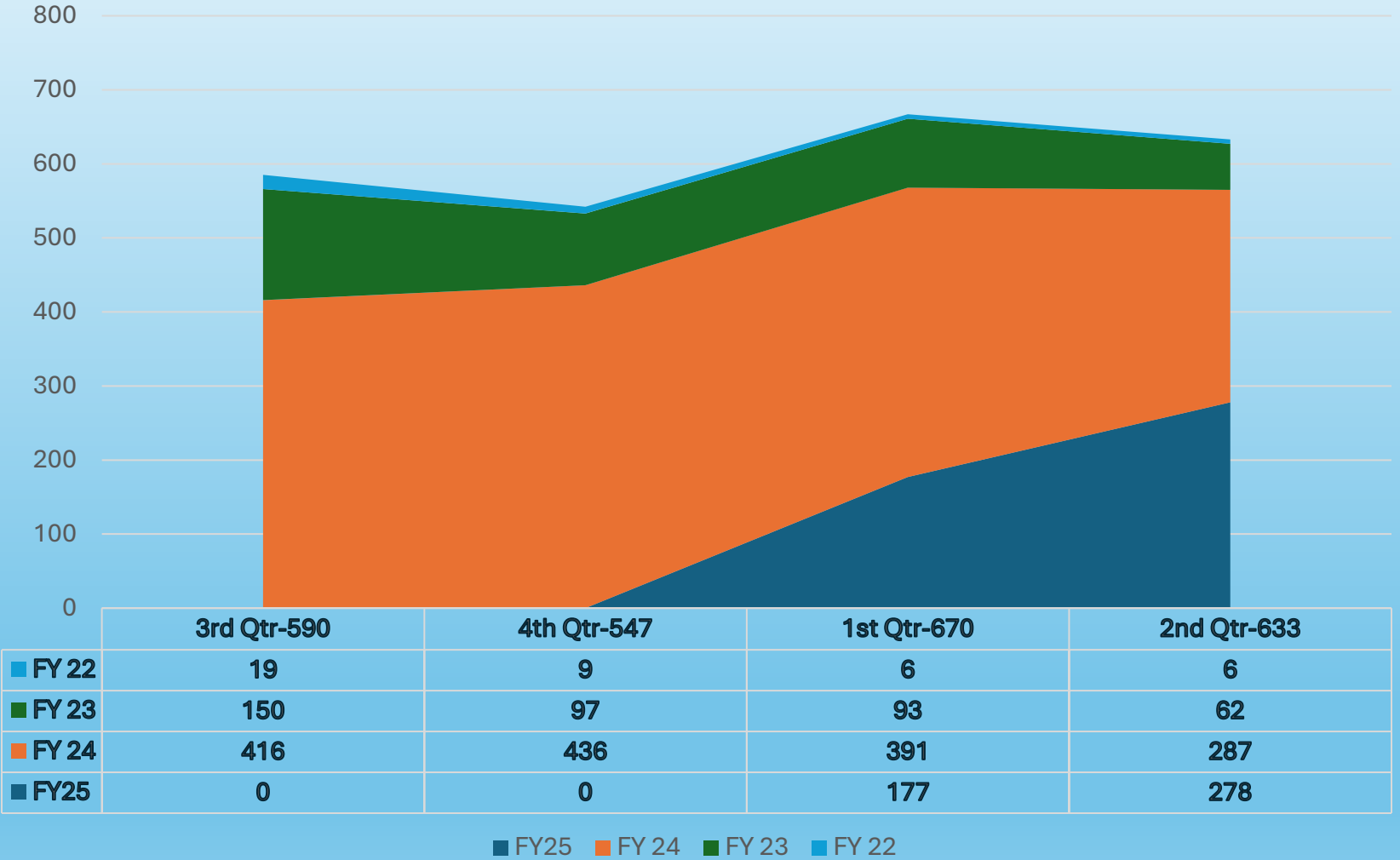
(December 1, 2024-February 28, 2025)

New Complaints Received and Total Pending

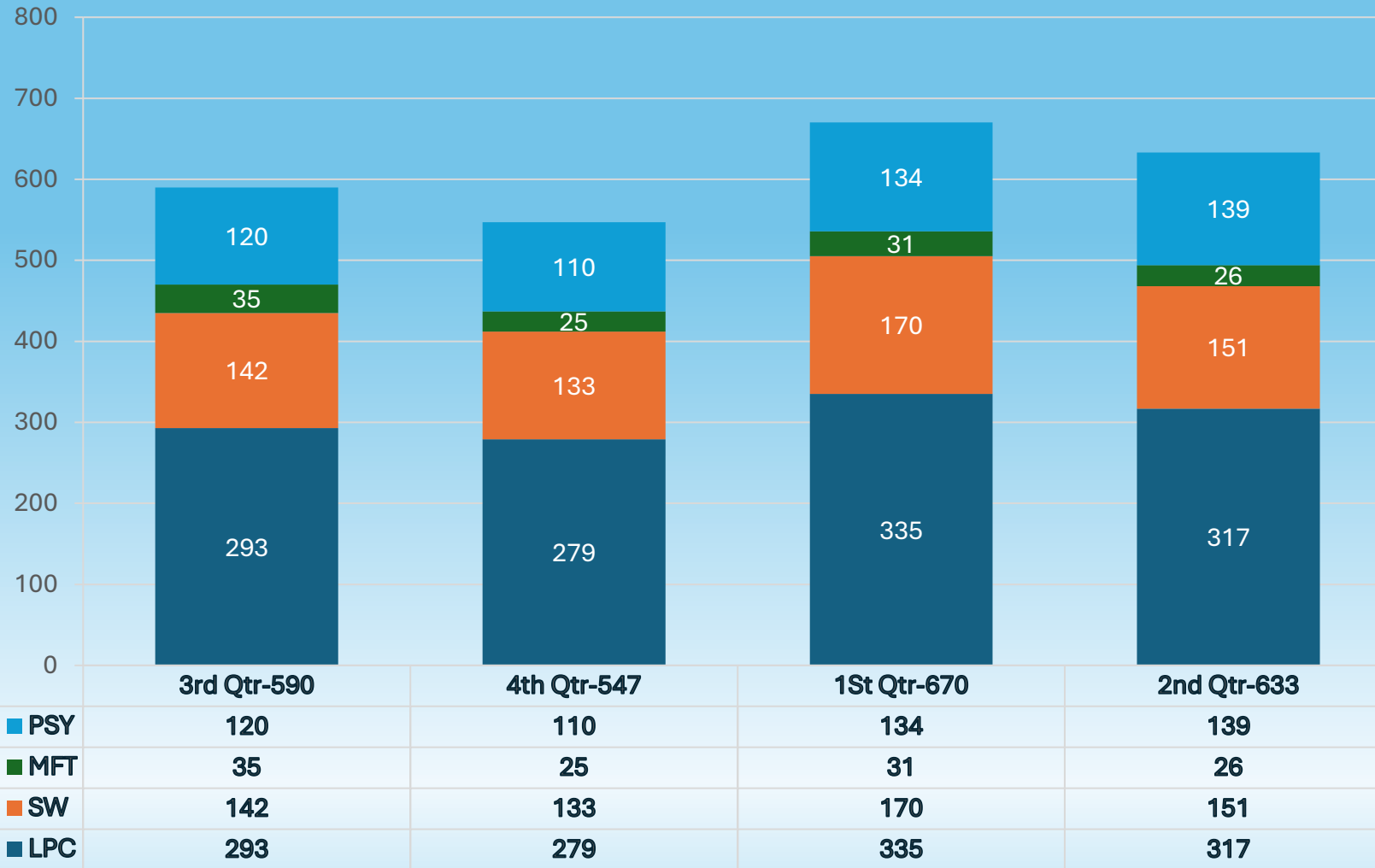


	3rd Qtr	4th Qtr	1st Qtr	2nd Qtr
New Complaints Received	173	136	178	157
Complaints Resolved	105	120	69	194
Total Pending Complaints	590	547	670	633

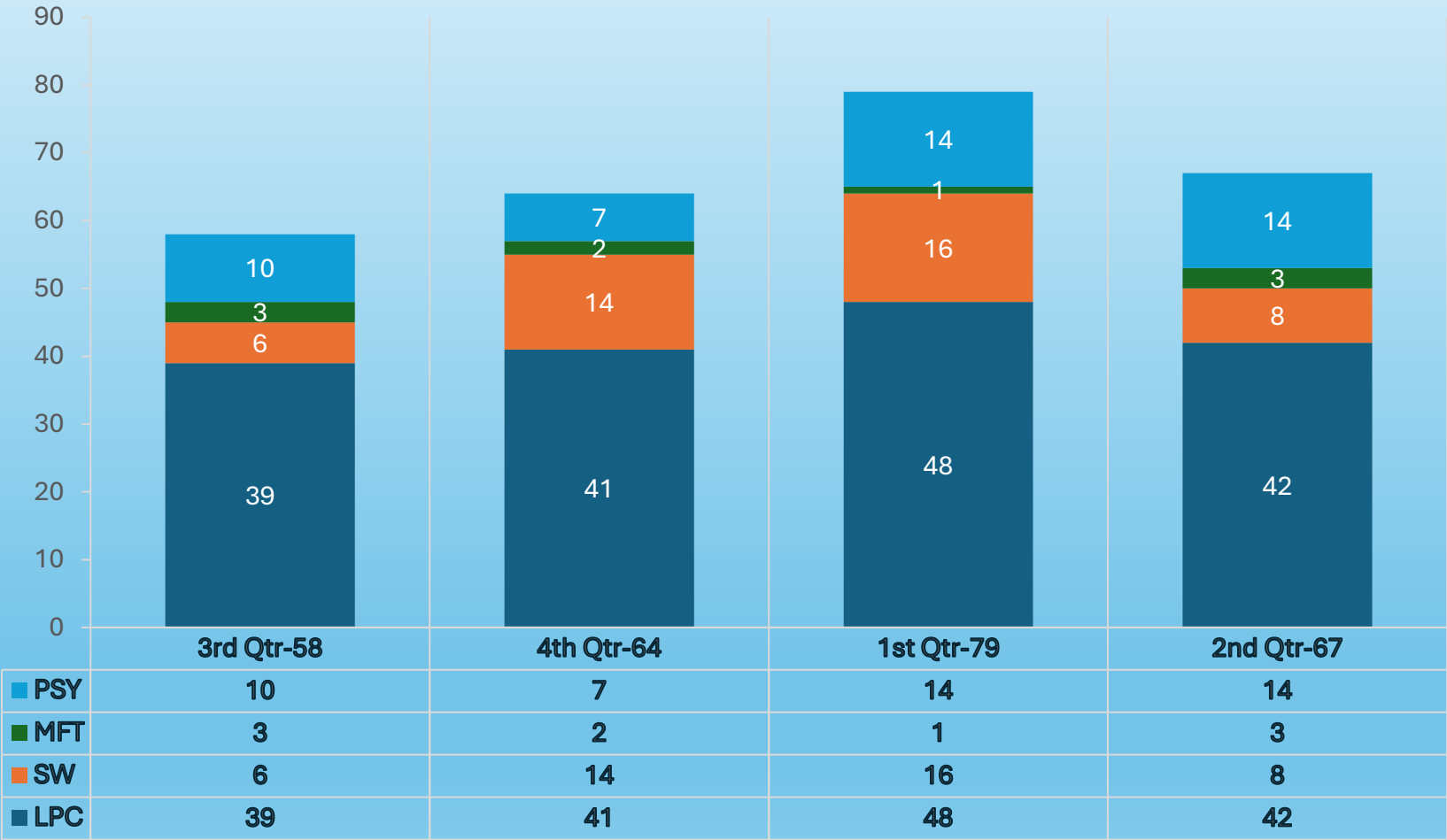
Pending Complaints by Fiscal Year



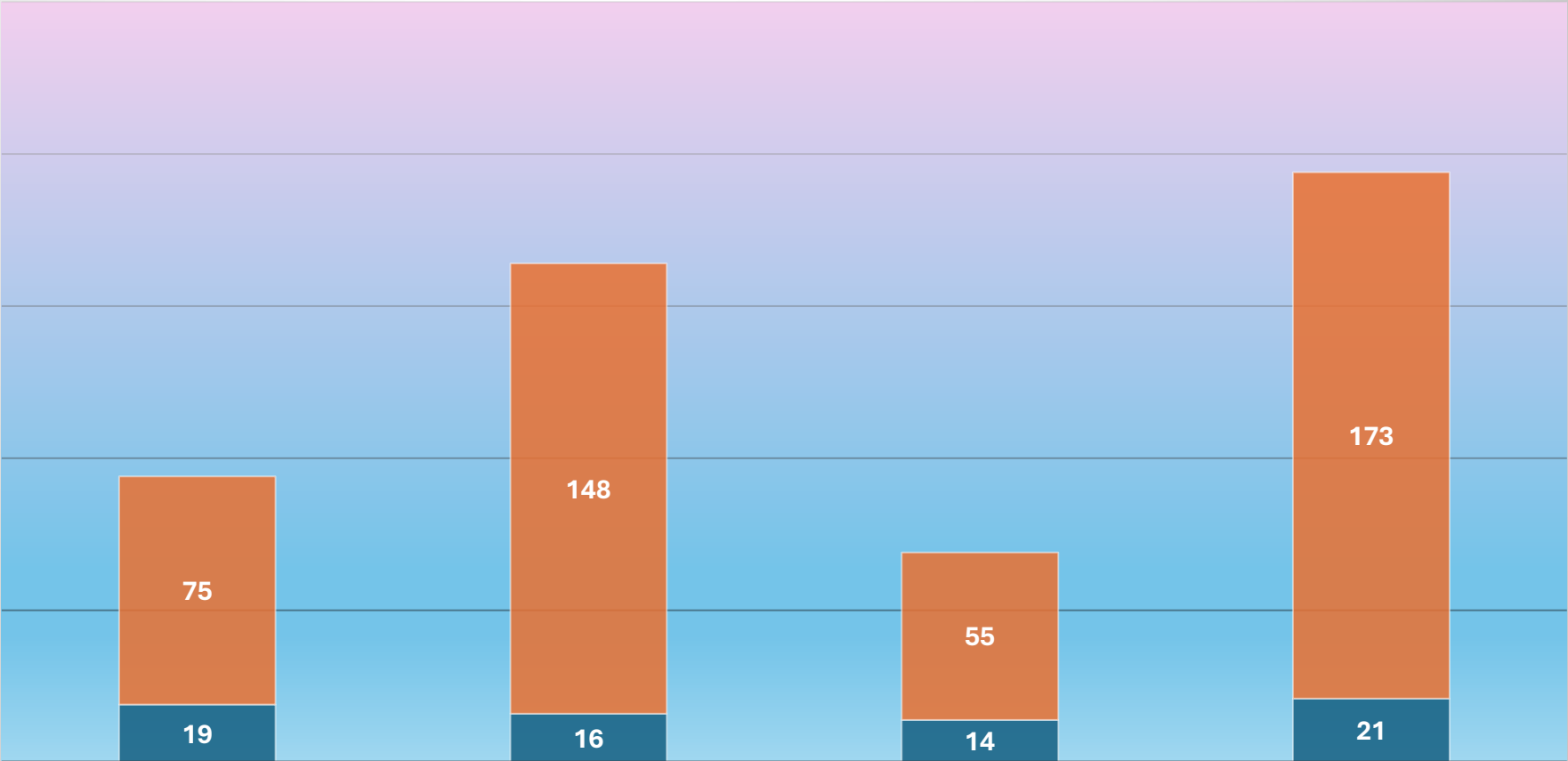
PENDING COMPLAINTS BY BOARD



PRIORITY 1 COMPLAINTS (IMMINENT PHYSICAL HARM AND SEXUAL MISCONDUCT)



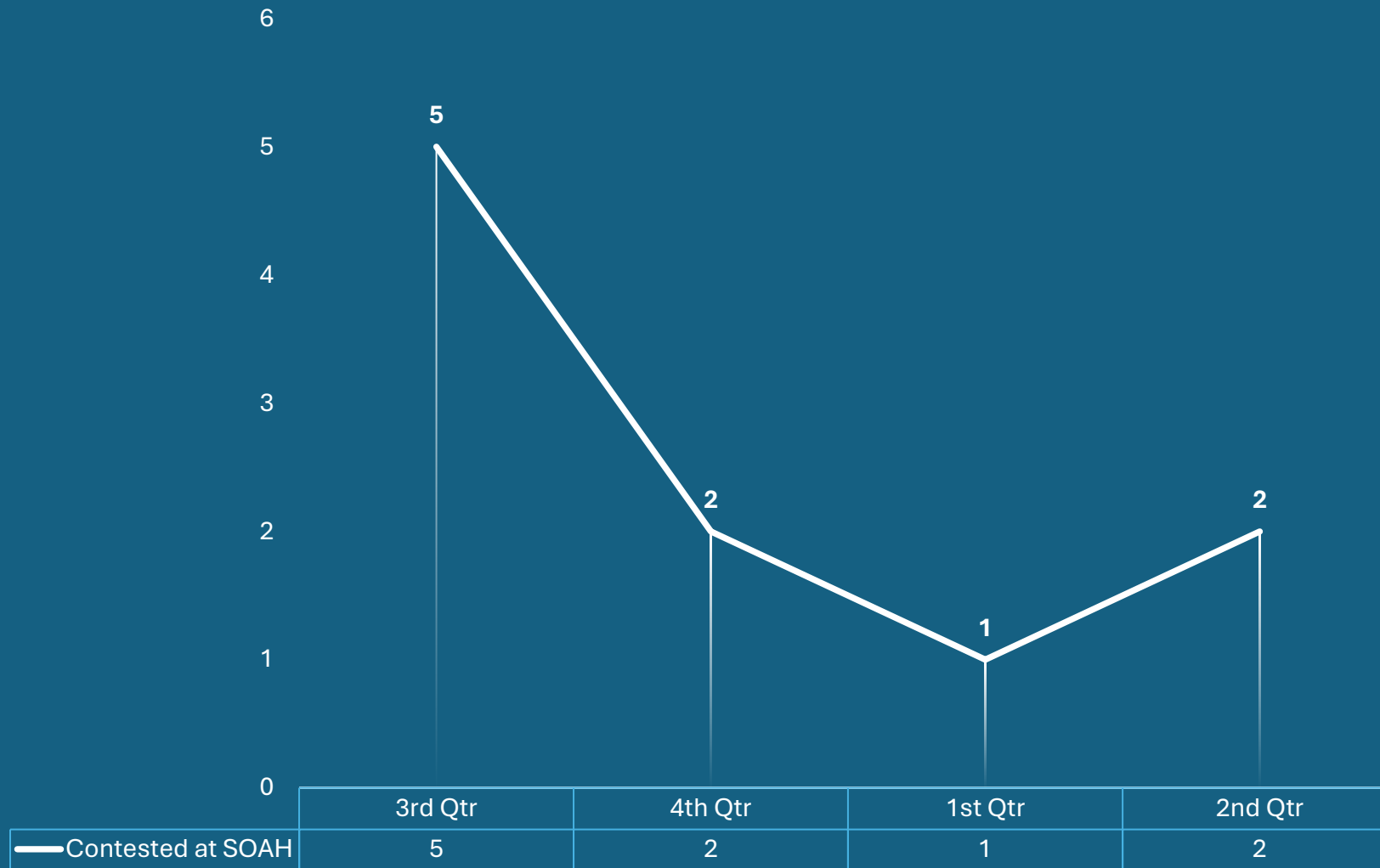
Complaints Resolved



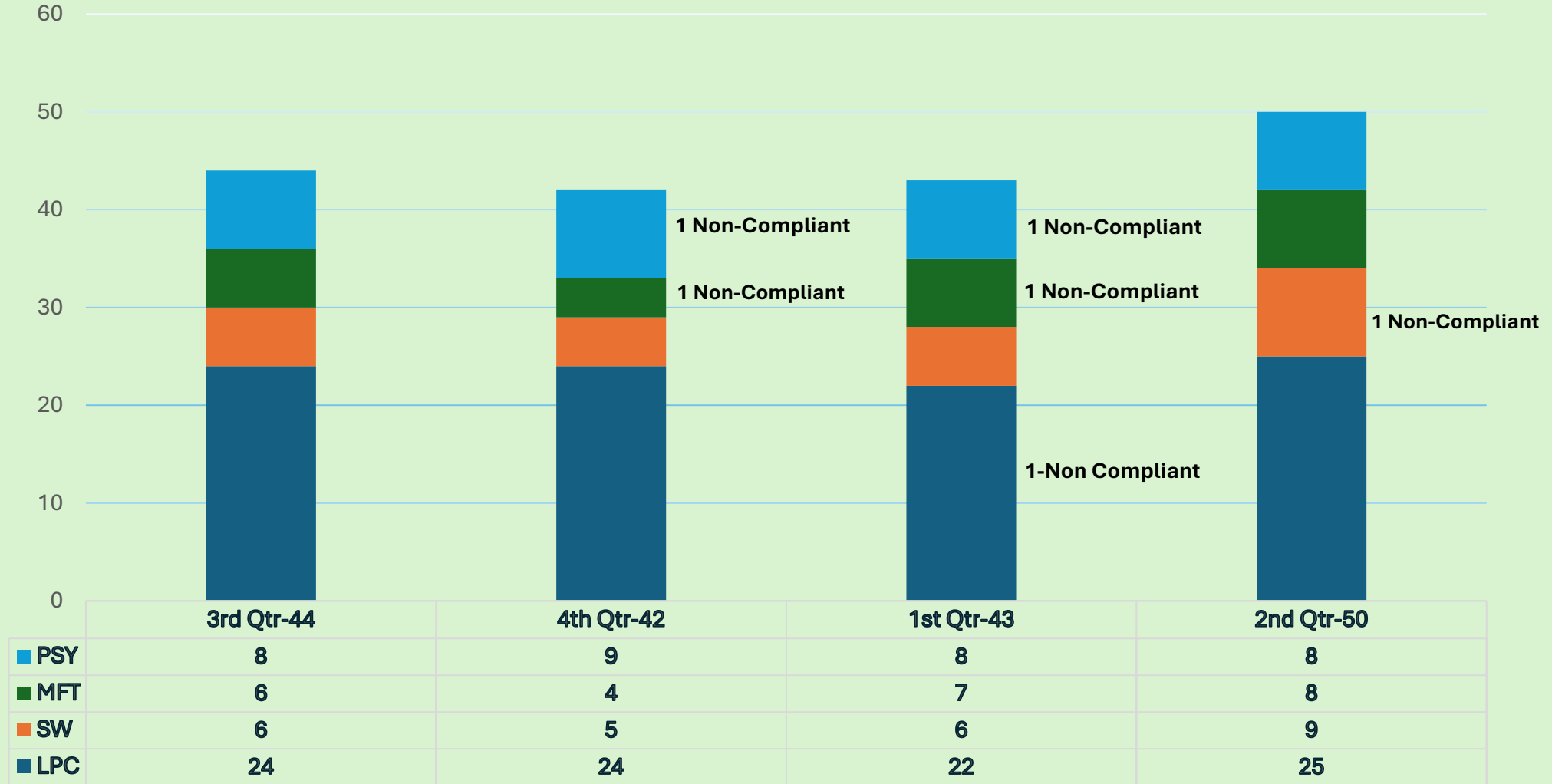
■ By Dismissal
■ By Disciplinary Order

3rd Qtr-94	4th Qtr-164	1st Qtr-69	2nd-194
75	148	55	173
19	16	14	21

CONTESTED AT SOAH



Under Compliance



Q2 FY25 Dismissal Report

Complaints Dismissed	Classification	Reason for Dismissal
2024-00230	Standard of Care	Insufficient Evidence
2024-00455	General Forensic	Conditional Precedent Not Met
2024-00448	Unlicensed Person	Lack of Jurisdiction
2023-00381	Unlicensed Person	Corrective Action Taken
2024-00532	Confidentiality	Warning Letter
2024-00425	Unlicensed Person	Lack of Jurisdiction
2023-00358	Confidentiality	Warning Letter
2023-00373	Confidentiality	Warning Letter
2024-00361	Dual Relationship	Insufficient Evidence
2024-00628	Sexual Misconduct	Insufficient Evidence
2024-00576	Record Keeping	Lack of Jurisdiction
2024-00344	Standard of Care	Insufficient Evidence
2024-00402	Standard of Care	Insufficient Evidence
2023-00526	Sexual Misconduct	Insufficient Evidence
2024-00595	Unlicensed Person	Lack of Jurisdiction
2024-00288	Non-Compliance	Lack of Jurisdiction
2024-00190	Court Ordered Therapy	Warning Letter
2023-00273	Record Keeping	Insufficient Evidence
2024-00590	Billing Dispute	Insufficient Evidence
2023-00294	Unprofessional Conduct	Previously Addressed
2024-00059	General Forensic	Insufficient Evidence
2024-00555	Impaired Practice	Insufficient Evidence
2024-00434	Standard of Care	Insufficient Evidence
2024-00459	Failure to Report	Warning Letter
2024-00466	Standard of Care	Insufficient Evidence
2024-00592	Standard of Care	Insufficient Evidence
2024-00604	Standard of Care	Insufficient Evidence
2024-00623	Confidentiality	Complainant Withdrew
2024-00517	Standard of Care	Insufficient Evidence
2024-00520	Dual Relationship	Insufficient Evidence
2024-00605	Standard of Care	Insufficient Evidence
2024-00303	Standard of Care	Warning Letter
2023-00489	Dual Relationship	Insufficient Evidence
2024-00559	Dual Relationship	Insufficient Evidence
2025-00061	Standard of Care	Insufficient Evidence
2023-00493	Dual Relationship	Insufficient Evidence
2025-00058	Court Ordered Therapy	Conditional Precedent Not Met
2024-00493	Sexual Misconduct	Insufficient Evidence
2025-00068	Unlicensed Person	Lack of Jurisdiction
2024-00516	Child Custody	Conditional Precedent Not Met
2024-00631	Standard of Care	Insufficient Evidence
2024-00580	Sexual Misconduct	Insufficient Evidence
2024-00584	Sexual Misconduct	Insufficient Evidence
2025-00078	Sexual Misconduct	Lack of Jurisdiction

Q2 FY25 Dismissal Report

Complaints Dismissed	Classification	Reason for Dismissal
2024-00627	Billing Dispute	Insufficient Evidence
2024-00577	Unlicensed Person	Corrective Action Taken
2024-00610	Sexual Misconduct	Insufficient Evidence
2024-00586	General Forensic	Conditional Precedent Not Met
2024-00465	Inadequate Supervision	Insufficient Evidence
2024-00487	Standard of Care	Insufficient Evidence
2025-00046	Unlicensed Person	Insufficient Evidence
2025-00025	Unlicensed Person	Corrective Action Taken
2024-00512	Standard of Care	Insufficient Evidence
2025-00195	Unlicensed Person	Lack of Jurisdiction
2023-00227	Standard of Care	Insufficient Evidence
2024-00414	Standard of Care	Insufficient Evidence
2024-00488	Sexual Misconduct	Insufficient Evidence
2023-00555	Standard of Care	Insufficient Evidence
2024-00317	Standard of Care	Insufficient Evidence
2024-00094	Standard of Care	Insufficient Evidence
2024-00589	Court Ordered Therapy	Conditional Precedent Not Met
2024-00495	Standard of Care	Insufficient Evidence
2024-00613	Standard of Care	Insufficient Evidence
2024-00481	Unlicensed Person	Corrective Action Taken
2024-00297	Record Keeping	Warning Letter
2024-00416	Billing Dispute	Warning Letter
2024-00034	Dual Relationship	Warning Letter
2024-00008	Standard of Care	Warning Letter
2024-00298	Standard of Care	Warning Letter
2024-00268	Record Keeping	Warning Letter
2025-00103	Sexual Misconduct	Lack of Jurisdiction
2025-00105	Sexual Misconduct	Lack of Jurisdiction
2025-00088	Standard of Care	Insufficient Evidence
2025-00144	Unlicensed Person	Insufficient Evidence
2024-00626	Confidentiality	Insufficient Evidence
2024-00560	Billing Dispute	Insufficient Evidence
2025-00094	Court Ordered Therapy	Conditional Precedent Not Met
2025-00173	Not Related to Licensed Activity	Insufficient Evidence
2025-00002	Standard of Care	Insufficient Evidence
2025-00099	Court Ordered Therapy	Conditional Precedent Not Met
2025-00110	Unlicensed Person	Warning Letter
2024-00601	Unlicensed Person	Warning Letter
2025-00003	Confidentiality	Insufficient Evidence
2023-00283	Criminal History	Warning Letter
2024-00606	Court Ordered Therapy	Conditional Precedent Not Met
2024-00607	Court Ordered Therapy	Conditional Precedent Not Met
2025-00066	Standard of Care	Corrective Action Taken
2025-00119	Billing Dispute	Insufficient Evidence

Q2 FY25 Dismissal Report

Complaints Dismissed	Classification	Reason for Dismissal
2025-00146	Sexual Misconduct	Insufficient Evidence
2025-00053	Sexual Misconduct	Insufficient Evidence
2024-00229	Standard of Care	Insufficient Evidence
2025-00064	Court Ordered Therapy	Conditional Precedent Not Met
2024-00518	Standard of Care	Insufficient Evidence
2024-00618	Court Ordered Therapy	Conditional Precedent Not Met
2024-00237	Standard of Care	Insufficient Evidence
2025-00111	Standard of Care	Insufficient Evidence
2023-00337	Inadequate Supervision	Warning Letter
2025-00120	Impaired Practice	Insufficient Evidence
2023-00258	Unprofessional Conduct	Warning Letter
2023-00241	Confidentiality	Warning Letter
2024-00126	Advertising	Insufficient Evidence
2024-00256	Standard of Care	Insufficient Evidence
2024-00352	Record Keeping	Insufficient Evidence
2024-00368	Record Keeping	Insufficient Evidence
2025-00054	Impaired Practice	Insufficient Evidence
2025-00070	Standard of Care	Insufficient Evidence
2025-00157	Not Related to Licensed Activity	Insufficient Evidence
2025-00071	Standard of Care	Insufficient Evidence
2025-00073	Standard of Care	Insufficient Evidence
2025-00075	Standard of Care	Insufficient Evidence

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.

Rule: 681.91. LPC Associate License

Action: Proposed Amendment

Comment: The proposed amendments clarify rule language regarding supervised LPC Associate practice into more plain, direct language. The amendments confirm that a person cannot provide counseling services without a proper license and that an Associate may own and operate a private practice only under supervision. The amendments require an Associate to notify the Council and their supervisors when changing supervisors. The amendments require Associates to notify the supervisors of any pending complaints against the Associate, and to share a copy of any remediation plan with all current and future supervisors.

§681.91. LPC Associate License

- (a) The Council may issue an LPC Associate license to an applicant who has:
 - (1) filed all application forms and paid all applicable fees;
 - (2) met all of the academic requirements for licensure;
 - (3) completed the required examinations with the requisite score as described in 681.72(a)(3) and (a)(4) of this title (~~relating to Required Application Materials~~);
 - (4) entered into a supervisory agreement with a Licensed Professional Counselor Supervisor (LPC-S); and
 - (5) not completed the supervised experience described in §681.92 of this title (~~relating to Experience Requirements (Internship)~~).
- (b) An LPC Associate must comply with all provisions of the Act and Council rules.
- (c) ~~A To practice counseling in Texas,~~ a person must obtain an LPC Associate license before practicing counseling in Texas under supervision to gain hours toward the supervised experience required for an LPC license ~~the person begins an internship or continues an internship~~. Hours obtained by an unlicensed person in any setting will not count toward the supervised experience requirements.
- (d) An LPC Associate may practice counseling ~~only as part of his or her internship and~~ only under the supervision of a Licensed Professional Counselor Supervisor (LPC-S). The LPC Associate shall not engage in independent practice, but may own and operate a private practice while under supervision.

(e) Within 30 days of changing or adding supervisors, an LPC Associate must:

(1) submit to the Council a new Supervisory Agreement Form for that supervisor, and

(2) notify their current supervisor(s).

(f)(e) An LPC Associate may have no more than two (2) Council-approved LPC supervisors at any given time.

(g)(f) An LPC Associate must maintain their LPC Associate license during ~~his or her~~ supervised experience.

(h)(g) An LPC Associate license will expire 60 months from the date of issuance.

(i)(h) An LPC Associate who does not complete the required supervised experience hours during the 60-month time period must reapply for licensure to continue accruing supervised experience.

(j)(i) An LPC Associate must continue to be supervised after completion of the 3,000 hours of supervised experience and until the LPC Associate receives an his or her LPC license. Supervision is complete upon the LPC Associate receiving the LPC license.

(k) During supervised clinical experience, both the supervisor and the LPC Associate may have disciplinary actions taken against their licenses for violations of the Act, the Council Act, or council rules. If an LPC Associate is informed of a pending complaint against them, the LPC Associate must notify each supervisor of the complaint.

(l)(j) The possession, access, retention, control, maintenance, and destruction of client records is the responsibility of the person or entity that employs or contracts with the LPC Associate, or in those cases where the LPC Associate is self-employed, the responsibility of the LPC[-]Associate.

(m)(k) An LPC Associate must not employ a supervisor but may compensate the supervisor for time spent in supervision if the supervision is not a part of the supervisor's responsibilities as a paid employee of an agency, institution, clinic, or other business entity.

(n) If an LPC Associate receives a remediation plan, as described in §681.93(e) of this title, the Associate must provide a copy of the remediation plan to any other current or future supervisors, as well as any relevant documentation regarding successful completion of the plan.

(o)(4) All billing documents for services provided by an LPC Associate must reflect the LPC Associate holds an LPC Associate license and is under supervision.

~~(p)(m)~~ The LPC Associate must not represent himself or herself as an independent practitioner. The LPC 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 LPC Associate's name appears, including websites and intake documents.

Rule: 681.93. Supervisor Requirements

Action: Proposed Amendments

Comment: The proposed amendment requires an LPC supervisor to document the duration of supervision sessions and the locations at which an Associate will practice as part of their supervision file. The amendments also clarify the actions a supervisor must take if their supervisor status is revoked.

§681.93. Supervisor Requirements

- (a) A supervisor must keep a written record of each supervisory session in the file for the LPC Associate.
 - (1) The supervisory written record must contain:
 - (A) a signed and dated copy of the Council's supervisory agreement form for ~~each of the LPC Associate's supervisors~~;
 - (B) a copy of the LPC Associate's online license verification noting the dates of issuance and expiration;
 - (C) fees and record of payment;
 - (D) the date and duration of each supervisory session;
 - (E) a record of an LPC Associate's leave of one month or more, documenting the supervisor's approval and signed by both the LPC Associate and the supervisor;
 - (F) a record of any concerns the supervisor discussed with the LPC Associate, including a written remediation plan as prescribed in subsection (e) of this section; ~~and~~
 - (G) a record of acknowledgement that the supervisee is self-employed, if applicable; ~~and~~;
 - (H) a record of all locations at which the LPC Associate will practice.
 - (2) The supervisor must provide a copy of all records to the LPC Associate upon request.
- (b) Both the LPC~~[-]~~Associate and the ~~supervising LPC supervisor-S~~ are fully responsible for the professional counseling activities of the LPC~~[-]~~

Associate. The LPC ~~supervisor~~^S may be subject to disciplinary action for violations that relate only to the professional practice of counseling committed by the LPC ~~Associate~~ which the LPC ~~supervisor~~^S knew about or due to the oversight nature of the supervisory relationship should have known about.

- (1) Supervisors must review all provisions of the Act and Council rules in this chapter during supervision.
 - (2) The supervisor must ensure the LPC Associate is aware of and adheres to all provisions of the Act and Council rules.
- (c) The supervisor must avoid any relationship that impairs the supervisor's objective, professional judgment.
- (1) The supervisor may not be related to the LPC Associate within the second degree of affinity or within the third degree of consanguinity.
 - (2) The supervisor may not be an employee of his or her LPC Associate.
- (d) The supervisor must submit to the Council accurate documentation of the LPC Associate's supervised experience within 30 days of the end of supervision or the completion of the LPC Associate's required hours, whichever comes first.
- (e) If a supervisor determines the LPC Associate may not have the counseling skills or competence to practice professional counseling under an LPC license, the supervisor will develop and implement a written plan for remediation of the LPC Associate, which must be reviewed and signed by the LPC Associate and maintained as part of the LPC Associate's file.
- (f) The supervisor must ensure the supervised counseling experience of the LPC Associate were earned:
- (1) after the LPC Associate license was issued; and
 - (2) in not less than 18 months of supervised counseling experience.
- (g) A supervisor whose license has expired is no longer an approved supervisor and:
- (1) must immediately inform all LPC Associates under their ~~his or her~~ supervision and assist the LPC Associates in finding alternate supervisors; and

- (2) must refund all supervisory fees for supervision after the expiration of the supervisor status.
 - (3) Hours accumulated under the person's supervision after the date of license expiration may not count as acceptable hours.
- (h) Upon execution of a Council order for probated suspension, suspension, or revocation of the LPC license with supervisor status, the supervisor status is revoked. A licensee whose supervisor status is revoked:
 - (1) must immediately inform all LPC Associates under his or her supervision and assist the LPC Associates in finding alternate supervisors; and
 - (2) must refund all supervisory fees for supervision after the date the supervisor status is revoked; and
 - (3) hours accumulated under the person's supervision after the date the supervisor status is revoked ~~of license expiration~~ may not count as acceptable hours.
- (i) Supervision of an LPC Associate without having Council approved supervisor status is grounds for disciplinary action