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)~~(l)~~ 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.