

COMPLAINT NO. 2023-00210

IN THE MATTER OF

DAVID SIMEONE

§ **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 **DAVID SIMEONE** ("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 (#69873) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. During a session, Respondent used physical force to reposition a client, who was a child.
3. During a session, respondent directed profanity at a client, who was a child.

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) (2022 ed.) and 681.41(p) (2022 ed.).

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Respondent's license is SUSPENDED for a period of five (5) years from the effective date of this order. However, the five (5) 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, within forty five (45) days of the date this order is ratified, shall complete and submit proof of completion of six (6) hours of professional development relating to record keeping, and six (6) hours of professional development relating to general ethics. 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 three (3) years from the date this order is ratified. Respondent shall, within fourteen (14) days of the date this order is ratified, submit to the Council or its designee for approval the name and qualifications of a 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 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 ensure 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 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.**

4. Respondent shall not provide any further professional counseling services to individuals under the age of 12. If Respondent has any clients that are under the age of 12, Respondent shall transfer them, within 30 days, to the care of another licensed provider that is appropriately skilled to treat children. Respondent shall only be allowed to continue providing professional counseling services to clients 12 and above going forward from the date of this order.
5. Respondent shall cease providing Play Therapy services to any client.

WARNING

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

WAIVERS

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

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

FOR THE RESPONDENT:

FOR THE STAFF OF THE COUNCIL:



David Simeone
Licensed Professional Counselor
No. 69873



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

DATE SIGNED: 06/13/2025

DATE SIGNED: 6/16/2025

APPROVED, RATIFIED, AND ENTERED THIS 17th DAY OF June, 2025.

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