

**Updated:  
11/14/2025**



*Texas Behavioral Health  
Executive Council and Texas State  
Board of Examiners of Psychologists  
**Rules and Statutes***

# **TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL NEW, AMENDED, REPEALED RULES**

The following is a list of the rules which have been added, amended, or repealed since the last update to these rules.

## **Online and Act and Rules of the Council – October 2025**

- 882.1. Application Process (*amended*)
- 882.2. General Application File Requirements (*amended*)
- 882.21. License Statuses (*amended*)

## **Online Act and Rules of the Council – June 2025**

- 882.50. Continuing Education and Audits (*amended*)
- 884.10. Investigation of Complaints (*amended*)
- 885.1. Executive Council Fees (*amended*)

## **Online Act and Rules of the Council – February 2025**

- 881.20. Rulemaking by the Executive Council (*amended*)

## **Online Act and Rules of the Council – October 2024**

- 882.14. Petition for Waiver or Remediation of Deficiency (*new*)
- 882.21. License Statuses (*amended*)
- 884.10. Investigation of Complaints (*amended*)
- 884.60. Witness Fees (*repealed*)
- 884.60. Depositions, Subpoenas, and Witness Expenses (*new*)
- 885.1. Executive Council Fees (*amended*)

## **Online Act and Rules of the Council – June 2024**

- 882.2. General Application File Requirements (*amended*)

Note: While every effort is made to keep this information as accurate and current as possible, the reader should bear in mind that statutes may be amended, subsequent legislation may be enacted and judicial determinations may be rendered that affect the impact of statutes and rules reported herein.

For any official listing of a rule, a licensee, applicant, or member of the public may consult the Texas Administrative Code on the Secretary of State's website:

<http://www.sos.state.tx.us/tac/>. When accessing this website: (1) click on the TAC viewer, (2) scroll down and click on Title 22 Examining Boards, (3) scroll down and click on Part 21, Texas State Board of Examiners of Psychologists. To view rules that have been proposed but not finally adopted by the Board, access the following website:  
<https://texreg.state.tx.us/public/regviewctx>

## **TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS NEW, AMENDED, REPEALED RULES**

The following is a list of the rules which have been added, amended, or repealed since the last update to these rules.

### **Online Act and Rules of the Board – September 2025**

- 465.2. Supervision *(amended)*
- 465.34. Providing Mental Health Services to Those Served by Others *(amended)*

### **Online Act and Rules of the Board – May 2025**

- 463.35. Professional Development *(amended)*
- 465.38. Psychological Services for Schools *(amended)*

### **Online Act and Rules of the Board – January 2025**

- 463.9. Licensed Specialist in School Psychology *(amended)*
- 463.10. Licensed Psychologists *(amended)*
- 463.31. Minimum Passing Scores for Examinations *(amended)*

### **Online Act and Rules of the Board – September 2024**

- 463.25. Health Psychologist Specialty Certification *(repealed)*

### **Online Act and Rules of the Board – January 2024**

- 463.9. Licensed Specialist in School Psychology *(amended)*

### **Online Act and Rules of the Board – July 2023**

- 463.9. Licensed Psychological Associate *(amended)*

### **Online Act and Rules of the Board – May 2023**

- 465.38. Psychological Services for Schools *(amended)*

Note: While every effort is made to keep this information as accurate and current as possible, the reader should bear in mind that statutes may be amended, subsequent legislation may be enacted and judicial determinations may be rendered that affect the impact of statutes and rules reported herein.

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# **TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL RULES**

## **GENERAL PROVISIONS**

### **Subchapter A. General Provisions.**

- 881.1. Authority.** This chapter is promulgated under the authority of Occupations Code, Chapter 507, and applies to each member board.

*Adopted to be effective: September 1, 2020*

**881.2. Definitions.**

- (a) The following definitions are generally applicable throughout the agency's rules and policies:
- (1) The term "ALJ" as used herein shall refer to an administrative law judge employed by SOAH.
  - (2) The terms "Chapter 501," "Chapter 502," "Chapter 503," "Chapter 505," and "Chapter 507" as used herein shall refer to the corresponding chapter in the Occupations Code.
  - (3) The term "Executive Council" or "Council" as used herein shall refer to the Texas Behavioral Health Executive Council (BHEC).
  - (4) The term "member board" as used herein shall refer to:
    - (A) The Texas State Board of Examiners of Marriage and Family Therapists (TSBEMFT);
    - (B) The Texas State Board of Examiners of Professional Counselors (TSBEPC);
    - (C) The Texas State Board of Examiners of Psychologists (TSBEP); or
    - (D) The Texas State Board of Social Worker Examiners (TSBSWE).
  - (5) The term "PFD" as used herein shall refer to a proposal for decision issued by an ALJ.
  - (6) The terms "professional development" and "continuing education" as used herein have the same meaning.
  - (7) The term "SOAH" as used herein shall refer to the State Office of Administrative Hearings.

- (8) The term "TAC" as used herein shall refer to the Texas Administrative Code.
- (b) The following definitions apply only to those rules specific to the regulation of the practice of marriage and family therapy:
  - (1) "LMFT" refers to a licensed marriage and family therapist and has the same meaning as assigned by §502.002 of the Occupations Code.
  - (2) "LMFT Associate" refers to a licensed marriage and family therapist associate and has the same meaning as assigned by §502.002 of the Occupations Code.
- (c) The following definitions apply only to those rules specific to the regulation of the practice of professional counseling:
  - (1) "LPC" refers to a licensed professional counselor and has the same meaning as assigned by §503.002 of the Occupations Code.
  - (2) "LPC Associate" refers to an individual licensed as a professional counselor associate under §503.308 of the Occupations Code.
- (d) The following definitions apply only to those rules specific to the regulation of the practice of psychology:
  - (1) "LPA" or "Psychological Associate" refers to an individual licensed as a psychological associate under §501.259 of the Occupations Code.
  - (2) "LSSP" refers to an individual licensed as a specialist in school psychology under §501.260 of the Occupations Code.
  - (3) "Provisionally licensed psychologist" or "provisional licensee" means an individual licensed as a psychologist with provisional status under §501.253 of the Occupations Code.
  - (4) "PSYPACT" refers to the Psychology Interjurisdictional Compact found in Chapter 501, Subchapter L of the Occupations Code.
- (e) The following definitions apply only to those rules specific to the regulation of the practice of social work:
  - (1) "LBSW" refers to a licensed baccalaureate social worker and has the same meaning as assigned by §505.002 of the Occupations Code.
  - (2) "LCSW" refers to a licensed clinical social worker and has the same meaning as assigned by §505.002 of the Occupations Code.
  - (3) "LMSW" refers to a licensed master social worker and has the same meaning as assigned by §505.002 of the Occupations Code.



- (4) "LMSW-AP" refers to an individual licensed as a master social worker with the advanced practitioner specialty recognition.

*Adopted to be effective: September 1, 2020*

**881.3. Council and Board Meetings.**

- (a) Every regular, special, or called meeting of the Council or a member board shall be open to the public as provided by the Government Code, Chapter 551 ("the Open Meetings Act").
- (b) A quorum for the Council or a member board shall consist of a majority of all the respective members as designated by statute. When a quorum is present, a motion before the body is carried by an affirmative vote of the majority of the members present and participating in the vote.
- (c) The presiding officers of the Council and member boards may make and second motions, as well as vote on any matter brought before their respective body without the necessity of relinquishing the chair.
- (d) The Council and each member board shall provide the public with a reasonable opportunity to appear before the respective body and offer public comment on any issue under the Council's or member board's jurisdiction. Persons wishing to offer public comment must sign in at the beginning of the meeting and may speak during the public comment portion of the meeting. The presiding officer shall maintain decorum and orderly proceedings, and may limit the time allowed for each individual providing public comment.

*Adopted to be effective: September 1, 2020*

**881.4. Council Member Terms.**

- (a) The terms for the Council members selected by the Texas State Board of Examiners of Psychologists and the Texas State Board of Social Worker Examiners shall expire as follows:
  - (1) for professional members, on February 1st of odd years; and
  - (2) for public members, on February 1st of even years.
- (b) The terms for the Council members selected by the Texas State Board of Examiners of Professional Counselors and the Texas State Board of Examiners of Marriage and Family Therapists shall expire as follows:
  - (1) for professional members, on February 1st of even years; and
  - (2) for public members, on February 1st of odd years.
- (c) Member boards may reappoint members to serve on the Council without limitation as to the number of terms served.

- (d) A member selected to fill a vacancy on the Council holds office for the unexpired portion of the term.

*Adopted to be effective: September 1, 2020*

**881.5. Conflicts of Interest and Recusals.**

- (a) A Council or board member who has any personal or professional interest that might reasonably tend to influence the discharge of the member's duties in a matter pending before the agency, shall disclose that conflict in an open meeting called and held in compliance with Chapter 551 of the Government Code. Should the required disclosure relate to a matter to be considered during a closed meeting, the member shall disclose the conflict during the closed meeting. A Council or board member may neither vote nor otherwise participate in any discussion or decision on a pending matter where the member's personal or professional interest might reasonably tend to influence the discharge of the member's duties. Any conflict disclosed by a board member shall be entered in the minutes or certified agenda of the meeting.
- (b) An individual who has any personal or professional interest that might reasonably tend to influence the discharge of the individual's duties while serving on a committee, temporary suspension or disciplinary review panel, or workgroup, shall disclose that conflict to the committee, panel, or workgroup, as well as to the Executive Director. The individual may neither vote nor otherwise participate in any discussion or decision on a pending matter where the individual's personal or professional interest might reasonably tend to influence the discharge of the individual's duties. Any conflict shall be entered in any minutes or notes kept by the committee, panel, or workgroup.
- (c) A Council or board member may not vote or otherwise participate in any discussion or decision conducted during a meeting held in compliance with Chapter 551 of the Government Code regarding a complaint or eligibility proceeding previously heard by the member while serving on a temporary suspension panel or disciplinary review panel. A Council or board member who is disqualified under this subsection shall be recused from any voting or discussions on the matter, and the recusal shall be entered in the minutes or certified agenda of the meeting.
- (d) Any individual who is required to make a disclosure or is recused or restricted from voting or participating in some manner under this rule, shall refrain from influencing or attempting to influence the discussion or decision on a

matter in which the individual is prohibited from participating. The presiding officer or Executive Director may take reasonable steps to enforce this requirement, including requesting that the individual leave the room before beginning or continuing with a meeting, hearing, discussion, or vote.

- (e) A disclosure required by this rule must be made as soon as possible once an individual becomes aware of facts giving rise to a duty to take action under this rule. Any information received by a Council or board member or agency staff that might reasonably lead one to believe that an individual has a duty to take action under this rule must be sent to the Executive Director, who shall then forward the information to the individual.
- (f) Except as provided for in subsection (c) of this section, this rule shall not operate to preclude a Council member from voting or otherwise participating in any discussion or decision due solely to a member's service on an underlying member board.
- (g) It is presumed that the judgment of a reasonable person subject to this rule would not be materially affected because the individual holds a license issued by this agency or one of its member boards.
- (h) A person does not have an interest which is in conflict with the proper discharge of duties contemplated under this rule if any benefit or detriment accrues to the person, or any individual or group with whom the person is associated, to no greater extent than any other similarly situated person.

*Adopted to be effective: September 1, 2020*

**881.6. Limited Delegation of Executive Council Authority to Board Members.** By rule, policy, or custom, the Council may delegate to a member board any responsibility or authority not exclusively reserved to the Council in statute. The Council retains responsibility and oversight for any decisions or actions undertaken by a member board under this grant of authority. The Council may reverse, modify, or refer any decisions or actions taken by a member board under the authority of this rule back to that member board for further action or consideration.

*Adopted to be effective: September 1, 2020*

**881.7. Unofficial Statements and Decisions.** Statements and decisions made by an individual Council or board member, an advisory committee member, or a member of the agency staff are not binding on the Council, or its member boards, when

conducting agency business, unless otherwise stated in these rules.

*Adopted to be effective: September 1, 2020*

**881.8. Former Council or Board Members.**

- (a) A Council or board member whose term has expired and who has ceased to serve will not be employed or utilized to represent the Council or one of its member boards for two years after the member's service has ended.
- (b) A former Council or board member may not represent that the member is an official or unofficial representative of the Council or one of its member boards. Any such representations are not binding in any way.
- (c) A former Council or board member may not disclose confidential or privileged information obtained during the member's service on the Council or board. Such disclosure is deemed unprofessional conduct and is grounds for disciplinary action.

*Adopted to be effective: September 1, 2020*

**881.9. Prohibition Against Dual Office Holding.**

- (a) The Executive Director and appointed members of the agency (i.e., Council and board members) may not accept an offer to serve in another non-elective office unless they first obtain from the Council or their respective member board, a finding that the member has satisfied Article XVI, §40, of the Texas Constitution.
- (b) The Council or board must make a written record of any finding under subsection (a) of this section. The finding must include any compensation that the member or Executive Director receives from holding the additional office, including salary, bonus, or per diem payment.

*Adopted to be effective: September 1, 2020*

**881.10. Conflict Between Other Laws and Council.**

- (a) In the event of a conflict between a Council rule and the state or federal constitution, a state or federal statute, or a rule, guideline, or requirement promulgated by a federal office or agency, the state or federal law, guideline, or requirement shall control.
- (b) In the event of a conflict between a rule in 22 TAC Part 41 and Parts 21, 30, 34, and 35; the rules in Part 41 shall prevail.

*Adopted to be effective: September 1, 2020*

**881.11. Access to Agency Records by Appointed Members.**

- (a) Each member of the Council is entitled to access all information and records written, produced, collected, assembled, or maintained by the Council or a member board, including confidential information. The access granted under this subsection is limited to official agency business only.
- (b) Each member of an underlying board is entitled to access all information and records written, produced, collected, assembled, or maintained by the member's respective board, including confidential information. The access granted under this subsection is limited to official agency business only.
- (c) A request for access to information or records by a Council or board member must be directed to the Executive Director. If the request for access relates to the Executive Director, the request may be directed to the presiding officer for the Council and the General Counsel.
- (d) Notwithstanding the foregoing, a Council or board member may not access any confidential, non-public, or proprietary examination materials if the member intends to apply for or is a current applicant for licensure with this agency.

*Adopted to be effective: September 1, 2020*

**881.12. Statutory or Rule References.** Unless expressly provided otherwise, a reference to any portion of a statute or rule applies to all reenactments, revisions, or amendments of the statute or rule.

*Adopted to be effective: September 1, 2020*

**881.13. Conduct and Decorum.**

- (a) Persons having business with or interacting with the Council, member boards, or agency staff shall conduct themselves with proper dignity, courtesy, and respect. Disorderly or disruptive conduct will not be tolerated.
- (b) The presiding officers for the Council and member boards may, in their own discretion, exclude from a meeting or proceeding, a person who, with intent to prevent or disrupt an agency meeting or proceeding, obstructs or interferes with the meeting or proceeding by physical action or verbal utterance. A person excluded under this rule may be excluded for the remainder of the meeting or proceeding or for a shorter period of time as is deemed just and reasonable by the presiding officer.
- (c) Conduct or language directed at agency officials or staff by applicants or licensees that a reasonable person would find abusive or threatening is considered unprofessional conduct

and may serve as grounds for a Council-initiated complaint and disciplinary action.

*Adopted to be effective: September 1, 2020*

## **Subchapter B. Rulemaking.**

### **881.20. Rulemaking by the Executive Council.**

- (a) The Council shall adopt rules necessary to perform its duties and implement Title 3, Subtitle I, Chapter 507 of the Occupations Code. When carrying out its rulemaking functions, the Council shall abide by the requirements of the Administrative Procedure Act found in Chapter 2001 of the Government Code.
- (b) The Council shall have exclusive rulemaking authority for the agency, including rules governing general agency operations, administration of licensure, investigation of complaints, and sanction procedures. In connection with this rulemaking authority, the Council must also review draft rules proposed by each member board for anti-competitive impacts, administrative consistency, and good governance concerns.
- (c) The Council may propose and adopt a rule governing those matters set forth in §507.153(a) of the Occupations Code if a draft rule has been proposed by the member board for the profession. Member boards may not propose new draft rules or changes to rules except as authorized by §507.153(a).
- (d) Member boards must submit a new draft rule or rule change to the Council for consideration by submitting a draft of the rule with any deletions crossed through and additions underlined. The draft must also contain each of the notice components required in a preamble (e.g., §2001.024 of the Government Code) when proposing a new rule or changes to an existing rule. When submitting a new draft rule or rule change to the Council, member boards must also submit any information or comments received from the public in connection with the proposed rule.
- (e) When reviewing a draft rule proposed by a member board, the Council may:
  - (1) Request additional information relevant to the rule from the member board;
  - (2) Require the member board to conduct new or additional analysis of possible implications of the rule; and
  - (3) Solicit public comment or hold public hearings, or alternatively, request the member board do so.

- (f) Following the review of a draft rule submitted by a member board, the Council shall either accept the draft rule as proposed and initiate formal rulemaking proceedings or return the draft rule to the member board for revision. When returning a rule for revision, the Council must include an explanation of the decision to reject the rule as proposed, and may recommend changes that would make the rule acceptable to the Council.
- (g) The Council shall, with regard to rules proposed pursuant to §507.153(a) of the Occupations Code, share with the appropriate member board any public comments received following publication of a proposed rule in the *Texas Register*. Following publication of a proposed rule and review of any public comments received, a member board shall suggest any changes needed to the proposed rule or vote to recommend adoption, tabling, or withdrawal of the rule and advise the Council of such. Thereafter, the Council may adopt the rule as proposed, withdraw or table the rule in accordance with the member board's recommendation, or return the rule to the member board for further revision. When returning a rule for revision, the Council must include an explanation of the decision to not adopt the rule as proposed, and may recommend any changes that would make the rule acceptable to the Council.
- (h) The Council may make non-substantive, editorial changes to a draft rule as necessary.
- (i) The Council shall consider each of the following factors when reviewing a draft rule submitted by a member board:
  - (1) Whether the proposed rule promotes a clearly articulated and affirmatively expressed policy as established by the legislature to displace competition with government action, or whether the proposed rule reflects the exercise of discretion or implied authority by a member board;
  - (2) Whether absence of the proposed rule poses a significant risk of harm or danger to the public health, safety, or welfare of the residents of the state that is easily recognizable and not remote or dependent on tenuous argument;
  - (3) Whether the proposed rule seeks to regulate activities or services requiring specialized skill or training and whether the public clearly needs and will benefit from the proposed rule;
  - (4) Whether the proposed rule would have the effect of directly or indirectly increasing the cost of mental health services and, if so, whether the increase would

- be more harmful to the public than the harm that might result from the absence of the proposed rule;
- (5) Whether the proposed rule would significantly reduce market participation or competition in the state and, if so, whether the reduction would be more harmful to the public than the harm that might result from the absence of the proposed rule; and
- (6) Whether the residents of the state are or may be effectively protected by other means.

*Adopted to be effective: September 1, 2020*

*Amended: March 17, 2025*

### **881.21. Petition for Rulemaking.**

- (a) Any interested person may petition for rulemaking in accordance with §2001.021 of the Government Code by submitting to the Council a written request for the adoption of a rule or rule change. The written request must contain a return mailing address for the agency's response.
- (b) The written request must, at a minimum, set forth or identify the rule the petitioner wants the Council to adopt or change, reasons why the petitioner believes the requested rulemaking is necessary, and include a copy of the proposed rule or any proposed changes with deletions crossed through and additions underlined. Additionally, the written request must affirmatively show that the requestor qualifies as an interested person under this rule. Requests which do not affirmatively show that the requestor qualifies as an interested person under this rule may be denied.
- (c) The written request should also address the economic cost to persons required to comply with the rule, the effects of the rule on small or micro-businesses or rural communities, and the impact the rule would have on local employment or economics, if such information can be derived from available sources without undue cost or burden.
- (d) A petition for rulemaking which involves any of those matters set forth in §507.153(a) of the Occupations Code will be submitted by agency staff to the appropriate member board for initial review and consideration.
- (e) The Council will respond to a written request for adoption of a rule from an interested person in accordance with §2001.021 of the Government Code.
- (f) The term "interested person" as used in this rule, shall have the same meaning as that assigned by §2001.021(d) of the Government Code.

*Adopted to be effective: September 1, 2020*

*Amended: February 9, 2021; September 19, 2021*



## **Subchapter C. Personnel.**

### **881.30. Executive Director.**

- (a) The Council shall determine qualifications for and employ an Executive Director who shall be the Chief Executive Officer of the agency.
- (b) The duties of the Executive Director shall be to administer and enforce the applicable law, to assist in conducting Council meetings, and to carry out other responsibilities as assigned by the Council.
- (c) The Executive Director shall have the authority and responsibility for the operations and administration of the agency and such additional powers and duties as prescribed by the Council. As chief executive of the agency, the Executive Director shall be responsible for the management of all aspects of administration of the agency to include personnel, financial and other resources in support of the applicable law, rules, policies, mission and strategic plan of the agency. The Executive Director may delegate any responsibility or authority to an employee of the Council. Responsibility or authority granted to the Executive Director shall include an employee designated by the Executive Director, yet accountability to the Council for all management and activity rests with the Executive Director.
- (d) The Executive Director may implement any emergency orders or proclamations issued by the Governor to suspend or amend existing statutes and rules. The Executive Director will notify the Council of the actions taken to comply with the Governor's emergency orders or proclamations.

*Adopted to be effective: September 1, 2020*

### **881.31. Agency Staff Training and Education.**

- (a) In accordance with the State Employee Training Act found at Government Code, Chapter 656, Subchapter C, agency staff may be permitted or required to attend training or education programs if those programs relate to the employee's duties or prospective duties, materially aid effective administration of the agency's functions, and serve an important public purpose.
- (b) The Council's Executive Director shall be eligible to attend training and education programs, and shall determine which other employees will be permitted or required to attend training.
- (c) Employees who receive training must utilize the training opportunity to prepare for technological and legal

developments facing the agency, or to increase professional capabilities or competence directly related to the work of the agency.

- (d) An employee, prior to receiving training for three or more months, during which the employee does not perform the employee's regular duties, must enter into a written agreement with the Council to comply with the requirements of §656.103(a) of the Government Code. Employees who fail or refuse to enter into such an agreement shall not be permitted to attend training lasting three or more months.
- (e) The Council shall pay the costs and expenses related to approved training in accordance with the State Employee Training Act, the Comptroller's rules and regulations, and the Council's own policies relating to employee reimbursement.

*Adopted to be effective: September 1, 2020*

**881.32. Sick Leave Pool.**

- (a) The Council hereby establishes a sick leave pool to assist employees and their immediate families in dealing with catastrophic illness or injury that forces them to exhaust all accrued sick leave.
- (b) The Council's sick leave pool shall be administered by the Executive Director in accordance with Chapter 661 of the Government Code, the rules and regulations of the Employees Retirement System of Texas, and the Texas Human Resources Statutes Inventory manual published by the Texas State Auditor's Office.
- (c) The Executive Director shall develop and prescribe procedures for the operation of the sick leave pool, and include such procedures in the Council's personnel manual.

*Adopted to be effective: September 1, 2020*

**881.33. Family Leave Pool.**

- (a) The Council hereby establishes a family leave pool to provide eligible employees more flexibility in bonding with and caring for children during a child's first year following birth, adoption, or foster placement, and to care for themselves or family members suffering from serious illness, including pandemic-related illnesses or complications caused by a pandemic.
- (b) The Council's family leave pool shall be administered by the Executive Director in accordance with Chapter 661 of the Government Code and the Texas Human Resources Statutes Inventory manual published by the Texas State Auditor's Office.

- (c) The Executive Director shall develop and prescribe procedures for the operation of the family leave pool and include such procedures in the Council's personnel manual.

*Adopted to be effective: February 27, 2022*

## **Subchapter D. Contracts and Procurement.**

### **881.40. Agency Contracts and Purchasing.**

- (a) In accordance with §2155.076 of the Government Code, the Council adopts by reference the rules of the Comptroller of Public Accounts regarding purchasing protest procedures set forth in 34 TAC, Part 1, Chapter 20, Subchapter F, Division 3. All vendor protests under this rule must be submitted to the Council's Chief Financial Officer, who shall initiate a review of the protest. Any appeal to a determination of a protest by the Chief Financial Officer shall be to the Executive Director, who may elect to submit the appeal to the Council for final determination. The Council shall maintain all documentation on the purchasing process that is the subject of a protest or appeal in accordance with the Council's retention schedule.
- (b) In accordance with §2156.005 of the Government Code, the Council adopts by reference the rules of the Comptroller of Public Accounts regarding bid opening and tabulation set forth in 34 TAC, Part 1, Chapter 20, Subchapter C, Division 2.
- (c) In accordance with §2260.052 of the Government Code, the Council adopts by reference the rules of the Office of the Attorney General in 1 TAC Part 3, Chapter 68 (relating to Negotiation and Mediation of Certain Contract Disputes). The rules set forth a process to permit parties to structure a negotiation or mediation in a manner that is most appropriate for a particular dispute regardless of the contract's complexity, subject matter, dollar amount, or method and time of performance.
- (d) In accordance with §2261.202 of the Government Code, the Executive Director shall be responsible for monitoring agency contracts and for monitoring agency compliance with all applicable laws governing agency contracting. The Executive Director may delegate those duties necessary to carry out this responsibility to other agency staff who report directly to the Executive Director.

*Adopted to be effective: September 1, 2020*

### **881.41. Use of Historically Underutilized Businesses (HUBS).** In accordance with §2161.003 of the Government Code, the Council

adopts by reference the rules of the Comptroller of Public Accounts  
in 34 TAC Part 1, Chapter 20, Subchapter D, Division 1.

*Adopted to be effective: September 1, 2020*

# APPLICATIONS AND EXAMINATIONS

## Subchapter A. License Applications.

**882.1. Application Process.** Applications for licensure are processed in the following manner:

- (1) Applicants must submit for review an official application form, the corresponding application fee, and all information required by law to the Council. The responsibility for submitting a complete application resides solely with the applicant. An application submitted with the incorrect fee amount will be returned to the applicant.
- (2) Applications are reviewed in the order in which they are received, unless the applicant qualifies for expedited processing under §55.005 of the Occupations Code. Applicants who qualify for expedited processing will have their applications processed as soon as practicable. The Council will notify applicants of any deficiency in their application.
- (3) Applications for licensure which are incomplete will be held open for 180 days from the date of receipt, after which, if still incomplete, they will expire. If licensure is sought after an application has expired, a new application and filing fee must be submitted.
- (4) Applications containing a substantive problem with an applicant's qualifications that cannot be resolved by reviewing staff shall proceed through the following chain of review until such matter is resolved to the agency's satisfaction:
  - (A) Reviewing staff's immediate supervisor;
  - (B) Licensing Manager;
  - (C) Executive Director;
  - (D) Committee established by the member board for the profession charged with addressing application or licensing matters; and
  - (E) Full member board for the profession
- (5) Once an application is complete, the applicant is either approved or denied to sit for any required examinations, or approved or denied licensure. Agency staff will send out a letter reflecting the agency's determination and instructions for the next steps needed, if any.

*Adopted to be effective: September 1, 2020*

*Amended: November 9, 2025*

## **882.2. General Application File Requirements.**

- (a) To be complete, an application file must contain all information needed to determine an applicant's eligibility to sit for the required examinations, or the information and examination results needed to determine an applicant's eligibility for licensure. At a minimum, all applications for licensure must contain:
  - (1) An application in the form prescribed by the Council based on member board rules and corresponding fee(s);
  - (2) An official transcript from a properly accredited institution indicating the date the degree required for licensure was awarded or conferred. Transcripts must be received by the Council directly from the awarding institution, a transcript or credential delivery service, or a credentials bank that utilizes primary source verification;
  - (3) A fingerprint based criminal history record check through the Texas Department of Public Safety and the Federal Bureau of Investigation;
  - (4) A self-query report from the National Practitioner Data Bank (NPDB) reflecting any disciplinary history or legal actions taken against the applicant. A self-query report must be submitted to the agency as a PDF that ensures the self-query is exactly as it was issued by the NPDB (i.e., a digitally certified self-query response) or in the sealed envelope in which it was received from the NPDB;
  - (5) Verification of the citizenship and immigration status information of non-citizen, naturalized, or derived U.S. citizen applicants through the DHS-USCIS Systematic Alien Verification for Entitlements Program (SAVE). Applicants must submit the documentation and information required by the SAVE program to the Council;
  - (6) Examination results for any required examinations taken prior to applying for licensure;
  - (7) Documentation of any required supervised experience, supervision plans, and agreements with supervisors; and
  - (8) Any other information or supportive documentation deemed relevant by the Council and specified in its application materials.
- (b) The Council will accept examination results and other documentation required or requested as part of the

application process from a credentials bank that utilizes primary source verification.

- (c) The Council may rely upon the following when verifying information from another jurisdiction: official written verification received directly from the other jurisdiction; a government website reflecting the information (e.g., active licensure and good standing); or verbal or email verification directly from the other jurisdiction.
- (d) For purposes of calculating time periods related to experience requirements completed while holding a license, the Council shall consider the time period to begin at the issuance of the relevant license.

*Adopted to be effective: September 1, 2020*

*Amended: September 21, 2022; July 16, 2024; November 9, 2025*

### **882.3. Review and Appeal of License Denials.**

- (a) If an application for licensure is denied at the staff or committee level, the applicant will have 30 days from the date of denial as shown on the letter to submit a written request to the Council for review by the member board. The written request must be received on or before the 30th day following the date of denial for the request to be timely. If a timely written request for review is not made, the denial is final.
- (b) If an application for licensure is denied by a member board, the applicant will have 30 days from the date of denial as shown on the letter to submit a written request to the Council for a hearing at SOAH. The Council must receive the written request on or before the 30th day following the date of denial for the request to be timely. If a timely request is made, the Council shall refer the contested case to SOAH for a hearing. If a timely written request is not made, the denial is final.
- (c) The Council shall render a final decision on an application for licensure based upon the record following an appeal at SOAH. The final decision shall be in writing and shall be signed by the presiding officer for the Council or the Executive Director.

*Adopted to be effective: September 1, 2020*

### **882.4. Assistance in Licensing Determinations.**

- (a) Each member board shall be responsible for reviewing any licensing matters and questions raised or brought to it by agency staff regarding an application or renewal. The member boards may utilize committees to address application or licensing matters, and shall provide the

Council with a recommendation as to any licensing matters or questions raised or brought to it by agency staff regarding an application or renewal.

- (b) The Council shall review all licensing matters for anti-competitive impacts, administrative consistency, and good governance concerns. The Council may not substitute its judgment in licensing determinations for that of a member board where, in its sole determination, none of the aforementioned concerns are present.
- (c) The Council shall solicit input from and request the assistance of a member board when considering an application for issuance or renewal of a license if there are concerns about an applicant related to the standard of care or professional qualifications. The Council may specify the format of the input and assistance requested to satisfy the requirements of this rule.

*Adopted to be effective: September 1, 2020*

**882.5. Jurisprudence Examination Requirements.** Applicants must take and pass the jurisprudence examination no more than 6 months prior to submitting an application for licensure to the Council.

*Adopted to be effective: September 1, 2020*

**882.6. Limitations on Number of Examination Attempts.**

- (a) An applicant may take an examination administered or required by the Council no more than three times. Failure to pass an examination subject to this rule within three attempts, will result in an automatic denial of an application.
- (b) Notwithstanding subsection (a) of this section, an applicant whose application is denied under this rule may reapply for licensure, but will not be allowed or approved to sit for the exam again until the applicant has submitted a detailed study plan designed to address the known or suspected areas of deficiency. The study plan must be approved by the relevant member board before authorization will be given to retake the examination.
- (c) Examinations which do not require pre-authorization by the Council to take, are not subject to this rule.

*Adopted to be effective: September 1, 2020*

**882.7. Reasonable Accommodations for Persons with Disabilities and Dyslexia.**

- (a) The Council shall comply with applicable provisions of the Americans with Disabilities Act (ADA) in its applications



- procedures by providing reasonable accommodations that do not violate or undermine the agency's mission or state law.
- (b) It is the responsibility of the individual applicant to inform the Council in advance of any reasonable accommodations needed during the application process, including any examinations conducted by the agency. Only requests which give the Council sufficient notice and opportunity to provide reasonable accommodations without disrupting the normal business of the agency will be considered.
  - (c) Requests for reasonable accommodations under this rule must contain each of the following:
    - (1) a written description of the disability, as well as the functional limitations resulting from the disability;
    - (2) the specific accommodations requested;
    - (3) a description of any accommodations received in the past for the disability; and
    - (4) a formal medical or mental health diagnosis made or confirmed within the last five years by a licensed professional qualified to make the diagnosis describing the need for specific accommodations. The diagnosis must have been made or confirmed within the last 12 months for psychiatric disabilities. This requirement does not apply to physical or sensory disabilities of a permanent or unchanging nature.
  - (d) The Council will provide reasonable examination accommodations to an applicant who has been diagnosed as having dyslexia, as defined in §51.970 of the Education Code. When requesting reasonable examination accommodations under this subsection, the applicant must comply with subsection (c) of this section.

*Adopted to be effective: September 1, 2020*

**882.8. Rescheduling of Examination Due to Religious Holy Day.**

- (a) Applicants wishing to observe a religious holy day on which their religious beliefs prevent them from taking an examination scheduled by the Council on that religious holy day will be allowed to take the examination on an alternate date.
- (b) Applicants wishing to take an examination, scheduled on a religious holy day, on an alternate date must submit a written request to take the examination on an alternate date and state the religious holy day they wish to observe. Applicants must submit their written request prior to being scheduled for an examination.

- (c) The Council may extend any time periods for completing an examination, as needed when scheduling an alternate examination date.

*Adopted to be effective: September 1, 2020*

**882.9. Established Application Processing Times.**

- (a) The Council shall publish the minimum, maximum, and median times for processing applications during the preceding 12-month period on its website, together with a justification for each of these periods. These figures will be updated on an annual basis.
- (b) Applicants whose application processing time exceeds 90 days or the maximum processing time published on the agency's website, whichever is greater, may submit a written complaint to the Executive Director requesting a timely resolution of any dispute arising from the delay.
- (c) The Executive Director shall, upon receipt of a proper complaint, review the matter to determine whether the agency has good cause, as that term is defined in §2005.004 of the Government Code, for exceeding the maximum application processing time. If the maximum application processing time was exceeded and good cause is not found, the Council shall refund any application fee paid in connection with the delayed application.
- (d) There is no appeal of the determination made by the Executive Director under this rule. A complaint is waived if not filed within 30 days of licensure.

*Adopted to be effective: September 1, 2020*

**882.10. Applicants with Pending Complaints.**

- (a) The Council may hold an application in abeyance up to 180 days if there is a high priority complaint pending against the applicant. Alternatively, the Council may issue a license subject to an eligibility order in lieu of abatement.
- (b) An applicant will be permitted to take all required exams while an application is abated.
- (c) Notwithstanding any other rule, the Council may enter findings of fact and conclusions of law and take disciplinary action against a license for acts or omissions that occurred prior to the issuance of the license.

*Adopted to be effective: June 15, 2023*

**882.11. Applicants with Foreign Degrees.**

- (a) An applicant with a foreign degree must submit an official transcript and certified translation when applying for licensure. The official transcript must be translated to

English by the issuing institution, a translator that is certified by the American Translators Association, a reputable foreign translator or translation service, or a U.S. college or university official.

- (b) An applicant with a foreign degree must have the degree evaluated to determine if it is comparable to the degree required for the particular license sought. Foreign degree evaluations must be sent directly to the Council from the evaluation service, submitted by the applicant in the sealed envelope in which they are received from the evaluation service, or be submitted as directed by agency staff.
- (c) Foreign degree evaluations must be conducted by a foreign degree evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or the Association of International Credential Evaluators, Inc. (AICE). Alternatively, the Council will accept foreign degree evaluations from the National Register of Health Service Psychologists for persons applying under Chapter 501 of the Occupations Code and the International Social Work Degree Recognition and Evaluation Service for persons applying under Chapter 505 of the Occupations Code.
- (d) The Council retains the exclusive authority to determine whether a foreign degree is comparable to the degree required for licensure.

*Adopted to be effective: September 1, 2020*

*Amended: September 19, 2021*

**882.12. Refusal to Issue License for Failure to Pay Child Support.**

- (a) The Council shall, in accordance with §232.0135 of the Family Code, refuse to issue a license to an individual if the Council receives notice from a child support agency that the applicant has failed to pay child support under a support order for six months or more and the child support agency requests the Council to deny issuance of a license.
- (b) Following receipt of notice from a child support agency, the Council may not issue a license until the child support agency has notified the Council that the applicant has met one or more of the requirements set out in §232.0135(b) of the Family Code.
- (c) The Council may charge the applicant a fee equal to the application fee for a refusal under this rule.

*Adopted to be effective: September 1, 2020*

**882.13. Protections Based on Affiliation with Religious Organizations.**

In accordance with Chapter 2400 of the Government Code, the Council may not deny an application or renewal of a license based

wholly or partly on a person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization.

*Adopted to be effective: September 1, 2020*

**882.14. Petition for Waiver or Remediation of Deficiency.**

- (a) An applicant who does not meet the prerequisites for a particular license under Chapters 501, 502, 503, or 505 of the Occupations Code, may petition the Council to waive or remediate a deficiency of their application. The Council may waive a prerequisite, or allow remediation by setting reasonable conditions on the applicant for approval of the license application, if:
  - (1) the applicant can show
    - (A) good cause for the deficiency, or
    - (B) that the deficiency is due to a disaster declared under Chapter 418 of the Government Code or under similar authority in another jurisdiction;
  - (2) the prerequisite(s) is not mandated by federal law, the Texas Constitution, or state statute;
  - (3) the deficiency would not adversely affect the public welfare; and
  - (4) any conditions established by the member board will ensure the applicant's education, training, and experience provide reasonable assurance that the applicant has the knowledge and skills necessary for entry-level practice under the license sought.
- (b) Each member board shall be responsible for reviewing petitions for waiver or remediation of a license prerequisite in accordance with §882.4 of this chapter.

*Adopted to be effective: November 14, 2024*

## **Subchapter B. License.**

**882.20. Form of License.**

- (a) Each member board shall be responsible for the content and design of its licenses, subject to the approval of the Council. A license issued by the Council shall prominently reflect the member board for the profession and reference the board being a member of the Council.
- (b) A license shall include the full legal name of the license holder at the time of licensure and the unique license number assigned to the license.

*Adopted to be effective: September 1, 2020*

**882.21. License Statuses.**

- (a) Active Status. Any licensee with a license on active status may practice pursuant to that license, subject to any restrictions imposed by the Council.
- (b) Inactive Status.
  - (1) A licensee with an unrestricted active or delinquent license may elect inactive status through the Council's online licensing system. A licensee who elects inactive status must pay the associated fee. A licensee may not engage in the practice of the licensee's respective profession under an inactive license.
  - (2) A licensee with an inactive license is not required to comply with continuing education requirements while the license is inactive.
  - (3) The inactive status period for a license shall coincide with the license renewal period. At the end of the renewal period, if the inactive status has not been renewed or the license returned to active status, the license will expire, unless there is a complaint pending against the license. An inactive license with a pending complaint that has not been renewed or returned to active status within the renewal period will remain in inactive status until resolution of the complaint. Upon resolution, the license shall be subject to any resulting disciplinary action and, if not revoked or resigned, shall expire.
  - (4) In order to continue on inactive status, an inactive licensee must renew the inactive status each renewal period. Licensees may renew their inactive status through the Council's online licensing system by completing the online renewal requirements and paying the associated fee.
  - (5) A licensee with a pending complaint may not place a license on inactive status. The Council may sanction a license on inactive status for violations of its rules. If disciplinary action is taken against a licensee's inactive license, the licensee must reactivate the license until the terms of the disciplinary action or restricted status have been terminated. Failure to reactivate a license when required by this paragraph shall constitute grounds for further disciplinary action.
  - (6) An inactive license may be reactivated at any time by applying for active status through the online licensing system. When reactivating a license, a licensee must pay the renewal fee associated with the license. A

license that has been reactivated is subject to the standard renewal schedule and requirements, including renewal and late fees. Notwithstanding the foregoing, a license that is reactivated within 60 days of its renewal date will be considered as having met all renewal requirements and will be renewed for the next renewal period.

- (7) Any licensee reactivating a license from inactive status must provide proof of completion of the continuing education requirements for renewal of that particular license before reactivation will occur.
  - (8) A licensee wishing to reactivate a license that has been on inactive status for four years or more must take and pass the relevant jurisprudence exam with the minimum acceptable score, unless the licensee holds another license on active status within the same profession.
- (c) **Delinquent Status.** A licensee who fails to renew a license for any reason when required is considered to be on delinquent status. A licensee may not engage in the practice of the licensee's respective profession under a delinquent license. The Council may sanction a delinquent licensee for violations of its rules. Any license delinquent for more than 12 consecutive months may not be renewed and shall expire unless there is a complaint pending against the license. A license with a pending complaint that has been delinquent for more than 12 months will remain in delinquent status until resolution of the complaint. Upon resolution, the license shall be subject to any resulting disciplinary action and, if not revoked or resigned, shall expire.
- (d) **Restricted Status.** Any license that is currently suspended, on probated suspension, or is currently required to fulfill some requirements in an agency order is a restricted license. A licensee may not engage in the practice of the licensee's respective profession under a suspended license. A licensee who is under a probated suspension or other restriction may only practice under the terms of that restriction.
- (e) **Retirement Status.** A licensee who is on active, inactive, or delinquent status may retire the license by submitting an online application to the Council. However, a licensee with a pending complaint or restricted license may not retire the license. A licensee who retires a license shall be reported to have retired in good standing. A licensee may not engage in the practice of the licensee's respective profession under a retired license.

- (f) Resignation Status. A licensee may resign only upon express agreement with the Council. A licensee may not engage in the practice of the licensee's respective profession under a resigned license.
- (g) Expired Status. A license that has been delinquent for more than 12 consecutive months or any inactive license that is not renewed or reactivated is considered to be expired, except delinquent or inactive licenses pending complaint resolution. A licensee may not engage in the practice of the licensee's respective profession under an expired license.
- (h) Revoked Status. A revoked status results from a license being revoked pursuant to an agency order. A licensee may not engage in the practice of the licensee's respective profession under a revoked license.

*Adopted to be effective: September 1, 2020*

*Amended: June 1, 2021; February 27, 2022; November 14, 2024; November 9, 2025*

## **882.22. Reinstatement of a License.**

- (a) A person whose full license has expired or been retired, revoked, or resigned, may apply for reinstatement of the license. A person seeking re-licensure must apply for reinstatement, rather than applying for a new full license.
- (b) An application for reinstatement shall be in writing and in the form prescribed by the Council.
- (c) In the case of revocation or resignation, application for reinstatement shall not be made prior to one year after the effective date of the revocation or resignation or prior to any time period specified in the order of revocation or resignation. A person whose license was revoked under §108.053 may apply for reinstatement of the license if the person meets the requirements of §108.055 of the Occupations Code.
- (d) A person seeking reinstatement of a license shall appear before the Council or member board to answer any questions or address any concerns raised by the person's application if requested by a council or board member or the Executive Director. Failure to comply with this paragraph shall constitute grounds for denial of the application for reinstatement.
- (e) The Council may approve or deny an application for reinstatement, and in the case of a denial, the Council may also set a reasonable period that must elapse before another application may be filed. The Council may also impose reasonable terms and conditions that an applicant must satisfy before reinstatement of an unrestricted license.

- (f) An application for reinstatement of an expired, retired, revoked, or resigned license may be granted upon proof of each of the following:
  - (1) payment of the application fee;
  - (2) submission of a self-query report from the National Practitioner Data Bank (NPDB) reflecting any disciplinary history or legal actions taken against the applicant. A self-query report must be submitted to the agency as a PDF that ensures the self-query is exactly as it was issued by the NPDB (i.e., a digitally certified self- query response) or in the sealed envelope in which it was received from the NPDB;
  - (3) a fingerprint based criminal history check which reflects no disqualifying criminal history;
  - (4) passage of any examinations required by a member board;
  - (5) documentation of any continuing education required by a member board; and
  - (6) submission of any other documentation or information requested in the application or which the Council or a member board may deem necessary in order to ensure the public's safety.
- (g) The Council will evaluate each of the following criteria when considering reinstatement of an expired, revoked, or resigned license:
  - (1) circumstances surrounding the expiration, revocation, or resignation of the license;
  - (2) conduct of the applicant subsequent to the expiration, revocation, or resignation of the license;
  - (3) lapse of time since the expiration, revocation, or resignation of the license;
  - (4) compliance with all terms and conditions imposed by the Council or a member board in any previous order; and
  - (5) applicant's present qualification to practice the regulated profession based upon the history of related employment, service, education, or training, as well as the applicant's continuing education since the expiration, revocation, or resignation of the license.
- (h) Notwithstanding time limits on original applications and examinations found elsewhere in these rules, an applicant seeking reinstatement of a license must submit all required documentation and information, and successfully pass all required examinations within the period specified by the Council. Failure to do so shall result in the application for reinstatement expiring.



**882.23. License Required to Practice.**

- (a) A person may not engage in or represent that the person is engaged in the practice of marriage and family therapy, professional counseling, psychology, or social work within this state, unless the person is licensed or otherwise authorized to practice by law.
- (b) A person is engaged in the practice of marriage and family therapy within this state if any of the criteria set out in §502.002(6) of the Occupations Code occurs while a client is located in this state.
- (c) A person is engaged in the practice of professional counseling within this state if any of the criteria set out in §503.003(a) of the Occupations Code occurs while a client is located in this state.
- (d) A person is engaged in the practice of psychology within this state if any of the criteria set out in §501.003(b) of the Occupations Code occurs while a client is located in this state.
- (e) A person is engaged in the practice of social work within this state if any of the criteria set out in §505.0025 of the Occupations Code occurs while a client is located in this state.
- (f) In accordance with §113.002 of the Occupations Code, a licensee of the Executive Council may provide a mental health service, that is within the scope of the license, through the use of a telehealth service to a client who is located outside of this state, subject to any applicable regulation of the jurisdiction in which that client is located. Such conduct does not constitute the practice of marriage and family therapy, professional counseling, psychology, or social work in this state.
- (g) For the purposes of this rule, the term "client" means:
  - (1) a recipient of marriage and family therapy, professional counseling, psychology, or social work services within the context of a professional relationship, including a child, adolescent, adult, couple, family, group, organization, community, or other populations, or other entities receiving services;
  - (2) an individual or entity requesting the services (e.g., an employer, a state, tribal, or federal court, an attorney acting on behalf of his or her client, an office or agency within local, state, or federal government), the recipient of those services (e.g., the subject of an

- evaluation, assessment, or interview), and an individual or entity interviewed, examined, or evaluated for the purpose of those services (e.g. a collateral witness or collateral sources of information);
- (3) an organization such as a business, charitable, or governmental entity that receives services directed primarily to the organization, rather than to individuals associated with the organization;
  - (4) minors and wards in guardianships, as well as their legal guardians; and
  - (5) any related term for the recipient of services, such as a patient, evaluatee, examinee, interviewee, participant, or any other similar term.

*Adopted to be effective: September 1, 2020*

*Amended: March 27, 2024*

**882.24. Authorized Practice of Marriage and Family Therapy Without a License.** Notwithstanding Rule §882.23 of this chapter, the activities or services described in §502.004 of the Licensed Marriage and Family Therapist Act are exempt from the Council's jurisdiction and do not require a license.

*Adopted to be effective: September 1, 2020*

**882.25. Authorized Practice of Professional Counseling Without a License.** Notwithstanding Rule §882.23 of this chapter, the activities or services described in Subchapter B of the Licensed Professional Counselor Act, together with the use of titles and descriptions of persons as contemplated therein, are exempt from the Council's jurisdiction and do not require a license.

*Adopted to be effective: September 1, 2020*

**882.26. Authorized Practice of Psychology Without a License.**

- (a) Notwithstanding Rule §882.23 of the chapter, the activities or services described in §501.004 of the Psychologists' Licensing Act are exempt from the Council's jurisdiction and do not require a license.
- (b) The activity or service of a post-doctoral fellow or resident in psychology is exempt from the Council's jurisdiction pursuant to §501.004(a)(2) of the Psychologists' Licensing Act if all of the following criteria are met:
  - (1) The person is enrolled in a formal post-doctoral program that is:
    - (A) accredited by the American Psychological Association (APA) or is a member of the Association of Psychology Postdoctoral and Internship Centers (APPIC); or

- (B) substantially equivalent to a program described in subparagraph (A) of this paragraph;
  - (2) The activities or services take place under qualified supervision and are part of the formal post-doctoral program; and
  - (3) The person is designated as a psychological intern or trainee, or by another title that clearly indicates the person's training status.
- (c) A formal post-doctoral program which meets the following criteria will be considered substantially equivalent to an APA accredited or APPIC member program:
- (1) An organized experience with a planned and programmed sequence of supervised training experiences.
  - (2) A designated psychologist responsible for the program who possesses expertise or competence in the program's area.
  - (3) Two or more licensed psychologists on staff, at least one designated as supervisor with expertise in area of practice.
  - (4) A minimum of 2 hours per week of face-to-face supervision.
  - (5) A minimum of 2 additional hours per week of learning activities.
  - (6) A minimum of 25% of the fellow's time is spent providing professional psychological services.
  - (7) Admission requirements that require the applicant to complete all professional degree requirements and a pre-doc internship, which at a minimum meets Council requirements.
  - (8) A requirement that participants use titles such as intern, resident, fellow, or trainee.
  - (9) Documentation describing the goals, content, organization, entrance requirements, staff, mechanisms for a minimum of 2 evaluations per year, and a statement that the program meets Texas' licensure requirements.
  - (10) At a minimum, an informal due process procedure regarding deficiencies and grievances.
  - (11) A written requirement for at least 1500 hours to be completed in not less than 9 months and not more than 24 months.

*Adopted to be effective: September 1, 2020*

**882.27. Authorized Practice of Social Work Without a License.**

Notwithstanding Rule §882.23, the activities or services described in §505.003 of the Social Work Practice Act are exempt from the Council's jurisdiction and do not require a license.

*Adopted to be effective: September 1, 2020*

**882.28. Update to Degree on a License.**

- (a) A licensee may update a sub-doctoral degree listed on his or her official license to a doctoral degree if the licensee submits a complete application and transcript, pays the required fee, and provides any other information or supportive documentation deemed relevant by the Council.
- (b) Licensees must submit an official transcript in accordance with §882.2 of this chapter indicating the date the doctoral degree was awarded or conferred. Foreign doctoral degrees must be evaluated in accordance with §882.11 of this chapter.
- (c) A doctoral degree must meet the minimum degree requirements for the applicable license.
- (d) An application to update the degree on a license is not an application for licensure, and therefore is not subject to any appeal or review under §882.3 of this chapter or Chapter 2001 of the Government Code. Further, the staff review and processing of an application under this rule is not subject to the processing times referenced in §882.9 of this chapter.

*Adopted to be effective: March 27, 2024*

## **Subchapter C. Duties and Responsibilities.**

**882.30. Display of License.**

- (a) A licensee must display an official copy of the holder's license in a prominent place in the office, building, complex, or facility where services are delivered. An official copy of a license is the original or a copy issued by the Council bearing the state agency's seal.
- (b) In lieu of subsection (a) of this section, a person licensed under Chapter 501 or 505 may provide to a patient or client written notification of the holder's license number accompanied by instructions for verification of same.

*Adopted to be effective: September 1, 2020*

**882.31. Advertising Restriction.** Licensees may not authorize, use, or make any public statements or advertisements that are false, deceptive, misleading or fraudulent, either because of what they state, convey or suggest or what they omit concerning their own

training, experience, supervision status, abilities or competence; their academic degrees; their credentials; their institutional or association affiliations; or their publications or research.

*Adopted to be effective: September 1, 2020*

**882.32. Duty to Update Name and Address.**

- (a) Applicants and licensees must update their name, main address, business address, email address, and phone number in the Council's online licensing system within 30 days of a change. The main address entered by an applicant or licensee must be capable of receiving mail addressed to the applicant or licensee from the agency. It is the responsibility of the individual to ensure the agency has the correct contact information for that individual.
- (b) Official agency correspondence will be sent to an applicant's or licensee's main address, unless otherwise required by law. The street address portion of an applicant's or licensee's main address will not be displayed in results returned from the online licensee search function and will not be publicly available via the Public Information Act. Applicants and licensees may also enter a business address in the agency's online licensing system which will be displayed, without redaction, in public search results.
- (c) A name change request must be accompanied by a copy of a current driver's license, social security card, marriage license, divorce decree or court order reflecting the change of name.

*Adopted to be effective: September 1, 2020*

*Amended: November 15, 2023*

**882.33. Disclosure of Proprietary Examination Materials of Information Prohibited.** It is considered unprofessional conduct and grounds for disciplinary action, including denial of licensure or renewal, for any applicant or licensee to disclose the contents or any proprietary materials or information from the examinations utilized by the Council.

*Adopted to be effective: September 1, 2020*

**882.34. Filing a False or Misleading Information with the Council.**

- (a) Applicants. Applicants are prohibited from providing false or misleading statements, information, or omissions in their applications, documents, and communications with the Council or member boards. For an infraction of this type, the Council may agree to process an application or other document pursuant to an eligibility order. For a serious

infraction of this type that could lead to licensure of an unqualified person, the Council may deny licensure.

- (b) Licensees. The Council will open a complaint against a licensee for false or misleading statements, information, or omissions made in connection with an application, renewal, document, or other communication with the Council. For an infraction that led to the licensure or renewal of an unqualified person or a change in license status, the Council may revoke the license or deny any future renewal of the license.

*Adopted to be effective: September 1, 2020*

**882.35. Required Profile Information.** Pursuant to §2054.2606 of the Government Code, all licensed psychologists must establish and maintain a public profile within the profile system maintained by the Council. The licensee's profile must contain all of the following information:

- (1) the name of the license holder and the address and telephone number of the license holder's primary practice location;
- (2) whether the license holder's patient, client, user, customer, or consumer service areas, as applicable, are accessible to disabled persons, as defined by federal law;
- (3) the type of language translating services, including translating services for a person with impairment of hearing, that the license holder provides for patients, clients, users, customers, or consumers, as applicable;
- (4) if applicable, insurance information, including whether the license holder participates in the state child health plan under Chapter 62, Health and Safety Code, or the Medicaid program;
- (5) the education and training received by the license holder, as required by the licensing entity;
- (6) any specialty certification held by the license holder;
- (7) the number of years the person has practiced as a license holder; and
- (8) if applicable, any hospital affiliation of the license holder.

*Adopted to be effective: September 1, 2020*

**882.36. Compliance with State and Federal Law.** Licensees comply with all applicable state and federal laws affecting the practice of marriage and family therapy, professional counseling, psychology, or social work including, but not limited to:

- (1) Health and Safety Code, Chapter 611, Mental Health Records;
- (2) Family Code:
  - (A) Chapter 32, Consent to Medical, Dental, Psychological and Surgical Treatment,
  - (B) Chapter 153, Rights to Parents and Other Conservators to Consent to Treatment and Access to Child's Records, and
  - (C) Chapter 261, Duty to Report Child Abuse and Neglect;
- (3) Human Resource Code, Chapter 48, Duty to Report Elder Abuse and Neglect;
- (4) Civil Practice and Remedy Code, Chapter 81, Duty to Report Sexual Exploitation of a Patient by a Mental Health Services Provider;
- (5) Insurance Code as it relates to submission of billing and third-party payments for mental health services provided by a licensee;
- (6) Code of Criminal Procedure, Chapter 46B, Incompetency to Stand Trial, and Chapter 46C, Insanity Defense;
- (7) Occupations Code, Chapter 102, Solicitation of Patients; Chapter 104, Healing Art Practitioners; Chapter 105, Unprofessional Conduct; and Chapter 113, Mental Health Telemedicine and Telehealth Services;
- (8) Education Code, Chapter 51, Duty to Report Sexual Harassment and Assault, Dating Violence, and Stalking; and
- (9) 18 United States Code §1347 Health Care Fraud.

*Adopted to be effective: September 1, 2020*

**882.37. COVID-19 Vaccine Passports Prohibited.**

- (a) In this rule, COVID-19 has the same meaning assigned by §161.0085 of the Health and Safety Code.
- (b) A licensee shall not require an individual to provide any documentation certifying the individual's COVID-19 vaccination or post-transmission recovery on entry to, to gain access to, or to receive service from the licensee or the licensee's practice.

- (c) Notwithstanding subsection (b) of this section, licensees may implement COVID-19 screening and infection control protocols in accordance with state and federal law to protect public health.
- (d) This rule shall not operate or be construed to interfere with an individual's right to access the individual's personal health information under federal law.

*Adopted to be effective: February 27, 2022*

## **Subchapter D. Criminal History and License Eligibility.**

### **882.40. Criminal History Background Checks.**

- (a) Before the Council will issue a license, an applicant must undergo a fingerprint-based criminal history record check.
- (b) The Council may require a licensee to obtain an updated fingerprint-based criminal history record check at any time.
- (c) A licensee who was not required to undergo a fingerprint based criminal history record check as a condition of licensure, must undergo a fingerprint based criminal history check if directed by the Council as a condition for renewal of a license. A licensee may fulfill all other renewal requirements, but a report must be received by the Council from the Texas Department of Public Safety and the Federal Bureau of Investigation before a license will be renewed.
- (d) Applicants and licensees who hold a license issued by the Council or one of its member boards, and who underwent a fingerprint-based criminal history record check as part of the licensing process for that license, do not need to undergo another checks.

*Adopted to be effective: September 1, 2020*

### **882.41. Criminal History Evaluation.**

- (a) In compliance with Chapter 53 of the Occupations Code, the Council will provide criminal history evaluation letters.
- (b) A person may request the Council provide a criminal history evaluation letter if the person is planning to enroll or is enrolled in an educational program that prepares the person for a license with this agency and the person has reason to believe that the person may be ineligible for licensure due to a conviction or deferred adjudication for a felony or misdemeanor offense.
- (c) The requestor must submit to the Council a completed application form requesting an evaluation letter, the required



fee, and certified copies of court documentation about all convictions, deferred adjudications, or other final dispositions which may form the basis for the person's ineligibility.

- (d) Requestors must obtain a fingerprint criminal history record check after they have submitted an application for a criminal history evaluation letter.
- (e) The Council has the authority to investigate a request for a criminal history evaluation letter and may require the requestor to provide additional information about the convictions and other dispositions.
- (f) The Council will provide a written response to the requestor within 90 days of receipt of the request, unless a more extensive investigation is required or the requestor fails to comply with the Council's investigation.
- (g) In the absence of new evidence known to but not disclosed by the requestor or not reasonably available to the licensing authority at the time the letter is issued, the Council's ruling on the request determines the requestor's eligibility with respect to the grounds for potential ineligibility set out in the letter.

*Adopted to be effective: September 1, 2020*

#### **882.42. Ineligibility Due to Criminal History.**

- (a) The Council may revoke or suspend a license, disqualify a person from receiving or renewing a license, or deny a person the opportunity to be examined for a license due to a felony or misdemeanor conviction, or a plea of guilty or nolo contendere followed by deferred adjudication, if the offense:
  - (1) is listed in Article 42A.054 of the Code of Criminal Procedure;
  - (2) was a sexually violent offense, as defined by Article 62.001 of the Code of Criminal Procedure; or
  - (3) directly relates to the duties and responsibilities of a licensee.
- (b) In determining whether a criminal conviction directly relates to the duties and responsibilities of a licensee, the agency shall consider the factors listed in §53.022 of the Occupations Code. Each member board shall determine which crimes are directly related to the duties and responsibilities of its licensees.
- (c) If the agency determines that a criminal conviction directly relates to the duties and responsibilities of a licensee, the agency must consider the factors listed in §53.023 of the Occupations Code when determining whether to suspend or revoke a license, disqualify a person from receiving a license,

- or deny a person the opportunity to take a licensing examination. It shall be the responsibility of the applicant or licensee to provide documentation or explanations concerning each of the factors listed in the law. Any documentation or explanations received will be considered by the agency when deciding whether to suspend or revoke a license, disqualify a person from receiving a license, or deny a person the opportunity to take a licensing examination.
- (d) Notwithstanding any schedule of sanctions adopted by the Council or a member board, the Council shall:
    - (1) revoke a license due to a felony conviction under §35A.02 of the Penal Code, concerning Medicaid fraud, in accordance with §36.132 of the Human Resources Code;
    - (2) revoke or suspend a license for unprofessional conduct in accordance with §105.002 of the Occupations Code; and
    - (3) revoke a license due to a license holder's imprisonment following a felony conviction, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision.
  - (e) In accordance with Chapter 108 of the Occupations Code, an application for licensure as a psychologist or social worker will be denied if the applicant:
    - (1) is required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure;
    - (2) has been previously convicted of or placed on deferred adjudication for the commission of a felony offense involving the use or threat of force; or
    - (3) has been previously convicted of or placed on deferred adjudication for the commission of an offense:
      - (A) under §§22.011, 22.02, 22.021 or 22.04 of the Penal Code, or an offense under the laws of another state or federal law that is equivalent to an offense under one of those sections;
      - (B) during the course of providing services as a health care professional; and
      - (C) in which the victim of the offense was a patient.
  - (f) A person whose application was denied under subsection (e) of this section may reapply for licensure if the person meets the requirements of §108.054 of the Occupations Code.
  - (g) In accordance with §108.053 of the Occupations Code, the Council shall revoke the license of a psychologist or social worker if the licensee is:

- (1) convicted or placed on deferred adjudication for an offense described by subsection (e)(2) or (3) of this section; or
- (2) required to register as a sex offender under Chapter 62 of the Code of Criminal Procedure.
- (h) The Council will provide notice to a person whose application has been denied due to criminal history as required by §53.0231 and §53.051 of the Occupations Code.
- (i) A criminal offense committed in another state, tribal, territorial, or commonwealth jurisdiction or under federal law is subject to this rule if the offense is substantially similar to an offense listed in this.

*Adopted to be effective: September 1, 2020*

*Amended: March 7, 2023*

## **Subchapter E. Continuing Education.**

### **882.50. Continuing Education and Audits.**

- (a) All persons issued a license by the Council are obligated to continue their professional education by completing a minimum amount of continuing education during each renewal period that they hold a license from this agency. The specific continuing education requirements for a license holder will be determined by the member board authorized to set those requirements.
- (b) Licensees shall report continuing education in the manner prescribed by the Council, including registering for and using any online system for documenting continuing education adopted by the Council.
- (c) The Council conducts two types of audits regarding continuing education. Licensees shall comply with all agency requests for documentation and information concerning compliance with continuing education requirements.
  - (1) Random audits. Each month, 5% of the licensees will be selected by an automated process for an audit of the licensee's compliance with the agency's continuing education requirements. The agency will notify a licensee of the audit. Upon receipt of an audit notification, a licensee must submit continuing education documentation in the manner requested by the Council.
  - (2) Individualized audits. The Council may also conduct audits of a specific licensee's compliance with its continuing education requirements at any time the agency determines there are grounds to believe that a licensee has not complied with the requirements of

this rule. Upon receipt of notification of an individualized audit, the licensee must submit all requested documentation within the time period specified in the notification.

*Adopted to be effective: September 1, 2020*

*Amended: June 1, 2021; July 20, 2025*

## **Subchapter F. Licensing Provisions Related To Military Service Members, Veterans, and Military Spouses.**

### **882.60. Special Provisions Applying to Military Service Members, Veterans, and Spouses.**

- (a) The Council adopts by reference the definitions set forth in Chapter 55 of the Occupations Code.
- (b) A license may be issued to a military service member, military veteran, or military spouse upon proof of one of the following:
  - (1) the applicant holds a current license in another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license sought in this state; or
  - (2) within the five years preceding the application date, the applicant held the license sought in this state.
- (c) An applicant applying as a military spouse must submit proof of marriage to a military service member.
- (d) Each member board shall develop and maintain a method for determining substantial equivalency under subsection (b) of this section.
- (e) As part of the application process, the Executive Director may waive any prerequisite for obtaining a license, other than the requirements in subsection (b) of this section, the jurisprudence examination, and the fingerprint criminal history background check, if it is determined that the applicant's education, training, and experience provide reasonable assurance that the applicant has the knowledge and skills necessary for entry-level practice under the license sought. When making this determination, the Executive Director must consult with the relevant member board or its designated application or licensing committee and consider the board's or committee's input and recommendations. In the event the Executive Director does not follow a recommendation of the board or committee, the Executive Director must submit a written explanation to the board or committee explaining why its recommendation was not

followed. No waiver may be granted where a military service member or military veteran holds a license issued by another jurisdiction that has been restricted, or where the applicant has a disqualifying criminal history.

- (f) Each member board may develop and maintain alternate methods for a military service member, military veteran, or military spouse to demonstrate competency in meeting the requirements for obtaining a license, including receiving appropriate credit for training, education, and professional experience.
- (g) Each member board shall develop and maintain a method for applying credit toward license eligibility requirements for applicants who are military service members or military veterans with verifiable military service, training, or education. An applicant may not receive credit toward licensing requirements under this subsection if the applicant holds another license that has been restricted, or the applicant has a disqualifying criminal history.
- (h) The initial renewal date for a license issued pursuant to this rule shall be set in accordance with the agency's rule governing initial renewal dates.

*Adopted to be effective: September 1, 2020*

*Amended: February 27, 2022*

**882.61. Special Licensing Provisions for Military Spouses.**

- (a) Notwithstanding §882.23 of this chapter and in accordance with §55.0041 of the Occupations Code and the Veterans Auto and Education Improvement Act of 2022 (Public Law No. 117-333), a service member or military spouse is authorized to practice marriage and family therapy, professional counseling, psychology, or social work without a license if the person meets each of the following requirements:
  - (1) the service member or military spouse notifies the Council on an agency approved form or as directed by agency staff, of the service member's or military spouse's intent to practice a particular profession in this state;
  - (2) the service member or military spouse provides verification of licensure in good standing in another jurisdiction in the similar scope of practice and in the discipline applied for in this state, and:
    - (A) has actively used the license during the two years immediately preceding the date of application; or

- (B) holds a license that has licensing requirements that are substantially equivalent to the requirements for licensure in this state;
  - (3) the service member or military spouse submits proof of residency in this state (e.g. copy of a permanent change of station order) and a copy of the service member's or military spouse's military identification card; and
  - (4) the Council provides confirmation to the service member or military spouse that it has verified the service member's or military spouse's license in the other jurisdiction and that the service member or military spouse is authorized to practice a particular profession.
- (b) In order to meet the requirements of subsection (a)(2)(B) of this section, a service member or military spouse must submit a copy of the law reflecting the current licensing standards for the relevant profession in the state where the service member or military spouse is licensed, with the relevant portions highlighted for easy reference. The Council shall then determine substantial equivalency based upon the determinations made by the member boards under §882.60(d) of this chapter.
  - (c) The Council may rely upon the following when verifying licensure under this subsection: official verification received directly from the other jurisdiction, a government website reflecting active licensure and good standing, or verbal or email verification directly from the other jurisdiction.
  - (d) A service member or military spouse authorized to practice under this rule is subject to all laws and regulations in the same manner as a regularly licensed provider.
  - (e) A service member or military spouse may practice under this rule while the service member or military spouse is stationed at a military installation in this state. If the service member or military spouse relied upon subsection (a)(2)(B) of this section to obtain authorization to practice, the authority shall extend only until the third anniversary of the date of confirmation referenced in subsection (a)(4) of this section.
  - (f) In order to obtain and maintain the privilege to practice without a license in this state, a service member or military spouse must remain in good standing with every licensing authority that has issued a license to the service member or military spouse at a similar scope of practice and in the discipline applied for in this state.
  - (g) Subsection (a)(2)(A) of this section does not apply to service members or military spouses that are licensed and able to

operate in this state through an interstate licensure compact. Service members or military spouses eligible to participate in an interstate licensure compact may either apply to practice through the authority of the interstate licensure compact or through other applicable state law.

- (h) Notwithstanding subsection (e) of this section, in the event of a divorce or similar event (e.g., annulment, death of spouse) affecting a military spouse's marital status, a military spouse who relied upon subsection (a)(2)(B) of this section to obtain authorization to practice may continue to practice under the authority of this rule until the third anniversary of the date of confirmation referenced in subsection (a)(4) of this section.

*Adopted to be effective: September 1, 2020*

*Amended: February 27, 2022; September 21, 2023*

## **Subchapter G. Emergency Temporary License.**

### **882.70. Emergency Temporary License.**

- (a) The Council shall issue an emergency temporary license to practice marriage and family therapy, professional counseling, psychology, or social work if:
  - (1) the Governor declares a disaster under §418.014 and issues a proclamation in accordance with Government Code §418.016 suspending regulatory statutes and rules which would prevent, hinder, or delay necessary action in coping with the declared disaster;
  - (2) the Executive Director determines that enacting these emergency licensing provisions are necessary in that disaster area; and
  - (3) the applicant meets the requirements set forth herein below.
- (b) An emergency temporary license issued pursuant to this rule will expire upon termination of the suspension or state of disaster, whichever occurs first.
- (c) An emergency temporary license issued pursuant to this rule is valid only for the practice of marriage and family therapy, professional counseling, psychology, or social work within the disaster area designated by the governor.
- (d) To be eligible for an emergency temporary license, an applicant must:
  - (1) submit an application in the form prescribed by the Council; and
  - (2) submit written verification that the applicant is actively licensed, certified, or registered to practice, marriage and family therapy, professional counseling, psychology, or social work in another jurisdiction and

that the licensure, certification, or registration is in good standing.

- (e) For purposes of subsection (d) of this section, the term "good standing" means there is not current disciplinary action on the out-of-state license, certification, or registration.
- (f) An individual practicing under an emergency temporary license must:
  - (1) display a copy of the emergency temporary license in a conspicuous location when delivering services, or provide written notification of the license number and instructions on how to verify the status of a license when initiating services with a patient or client;
  - (2) provide notification to the public and the patient or client regarding how a complaint may be filed with the Council; and
  - (3) comply with all other applicable Council rules.
- (g) There is no fee associated with the application or issuance of an emergency temporary license.

*Adopted to be effective: September 1, 2020*

*Amended: February 27, 2022*



# **RENEWALS**

## **Subchapter A. General Provisions.**

### **883.1. Renewal of a License.**

- (a) All licenses subject to the jurisdiction of the Council are renewable on a biennial basis and must be renewed online.
- (b) Renewals are due on the last day of the license holder's birth month, but may be completed up to 60 days in advance.
- (c) Renewal Conditions:
  - (1) Licensees must pay all applicable renewal and late fees, indicate compliance with any continuing education requirements, and comply with any other requests for information or requirements contained within the online renewal system as a prerequisite for renewal of a license. This paragraph is effective for licenses with expiration dates prior to November 30, 2021.
  - (2) Licensees must pay all applicable renewal or late renewal fees, indicate compliance with any continuing education requirements, and comply with any other requests for information or requirements contained within the online renewal systems as a prerequisite for renewal of a license. This paragraph is effective for licenses with expiration dates on or after November 30, 2021.
- (d) In addition to the requirements of subsection (c) of this section, licensees must also show compliance with each of the following as a condition of renewal:
  - (1) provide or update the standardized set of information about their training and practices required by §105.003 of the Health and Safety Code;
  - (2) affirm or demonstrate successful completion of a training course on human trafficking prevention described by §116.002 of the Occupations Code; and
  - (3) if chosen for an audit under §882.50 of this title, licensees are required to submit a self-query report from the National Practitioner Data Bank in the same manner required by §882.2 of this title.
- (e) Licensed psychologists must update their online profile information when renewing their license.
- (f) A license may not be renewed until a licensee has complied with the requirements of this rule.

- (g) A licensee who falsely reports compliance with continuing education requirements on his or her renewal form or who practices with a license renewed under false pretenses will be subject to disciplinary action.
- (h) Licensees will be sent notification of their approaching renewal date at least 30 days before their renewal date. This notification will be sent to the licensee's main address via first class mail. Responsibility for renewing a license rests exclusively with the licensee, and the failure of the licensee to receive the reminder notification from the Council shall not operate to excuse a licensee's failure to timely renew a license or any unlawful practice with a subsequent delinquent license.

*Adopted to be effective: September 1, 2020*

*Amended: November 21, 2021; March 27, 2024*

### **883.2. Initial License Renewal Dates.**

- (a) The license expiration date for a license issued by this agency is the last day of the licensee's birth month.
- (b) The initial renewal date for a license issued or reinstated by this agency shall be set as follows:
  - (1) A license issued or reinstated within 180 days prior to the last day of a licensee's birth month shall be set for renewal on the next expiration date following a period of two years from the date of issuance or reinstatement.
  - (2) A license issued or reinstated more than 180 days prior to the last day of a licensee's birth month shall be set for renewal on the next expiration date following a period of one year from the date of issuance or reinstatement.
- (c) Following the initial renewal dates set forth in subsection (b) of this section, a license shall become subject to the standard renewal schedule and requirements.
- (d) Notwithstanding subsection (b) of this section, for individuals with more than one license from a member board, the initial renewal date for a newly issued or reinstated license shall coincide with the individual's existing license renewal date.

*Adopted to be effective: September 1, 2020*

### **883.3. Nonrenewal for Failure to Pay Child Support.**

- (a) The Council shall, in accordance with §232.0135 of the Family Code, refuse to renew a license if the Council receives notice from a child support agency that the licensee has failed to pay child support under a support order for six

months or more and the child support agency requests the Council to deny the renewal of an existing license.

- (b) Following receipt of notice from a child support agency, the Council may not renew a license until the child support agency has notified the Council that the licensee has met one or more of the requirements set out in §232.0135(b) of the Family Code.
- (c) The Council may charge the licensee a fee equal to the renewal fee for a denial under this rule.

*Adopted to be effective: September 1, 2020*

## **Subchapter B. Renewal Provisions For Military Personnel.**

### **883.10. Renewal Terms for Military Personnel on Active Duty.**

- (a) Licensees serving on active duty, as defined by §55.001 of the Occupations Code, may request a waiver from the continuing education requirements and renewal fees associated with the renewal of their license. Licensees who submit a written request to the Council prior to their renewal date each renewal period, and provide the Council with official verification of active duty status during their renewal period, will be granted a waiver from the continuing education requirements and renewal fees associated with the renewal of their license for that renewal period.
- (b) Licensees with an expired or delinquent license may request their license be reinstated or returned to active status if they would have been eligible for a waiver under subsection (a) of this section prior to their license expiring or becoming delinquent. Licensees seeking relief under this subsection must do so within two years of their license becoming delinquent.

*Adopted to be effective: September 1, 2020*

# COMPLAINTS AND ENFORCEMENT

## Subchapter A. Filing A Complaint

### 884.1. Timeliness of Complaints.

- (a) A complaint not involving sexual misconduct will be considered timely if brought within five years of the date of the termination of professional services.
- (b) A complaint alleging sexual misconduct will be considered timely if brought within seven years after the date of termination of services or within five years of the patient, client or recipient of services reaching the age of majority, whichever is greater.
- (c) A complaint arising out of a matter required to be reported to the Council pursuant to rule §884.32 of this chapter, will be considered timely if brought within five years of the date the matter is reported to the Council. Limitations shall not begin to run for any such complaint until the matter is reported in accordance with Council rules.
- (d) This rule does not apply to a complaint closed as a result of the expiration of a license and subsequently reopened or initiated anew by the Council in connection with an application for reinstatement under §882.22 of this chapter.

*Adopted to be effective: September 1, 2020*

*Amended: March 27, 2024*

### 884.2. Standardized Complaint Form. All complaints must be submitted on the Council-approved complaint form. The complaint form shall be obtained free of charge from the Council's website or by requesting a copy from the Council.

*Adopted to be effective: September 1, 2020*

### 884.3. Special Requirements for Complaints Alleging Violations Related to Court Ordered Evaluations.

- (a) A person who seeks to file a complaint alleging a statutory or rule violation arising out of or related to a court ordered evaluation (e.g. child custody evaluation, adoption evaluation, competency or insanity evaluation, psychological evaluation) must, in addition to submitting a Council-approved complaint form, comply with the requirements of this rule when filing a complaint. This rule does not apply to evaluations conducted in administrative proceedings before a state or federal agency.
- (b) A complaint subject to this rule may not be filed prior to entry of judgment or final order by the trial court, or

alternatively, prior to dismissal of the case. A complaint received by the Council prior to these specified events will be dismissed by staff as premature. A complaint dismissed as premature may be resubmitted as a new complaint upon the occurrence of one of these events.

- (c) A complaint subject to this rule will be considered timely filed if brought within the time period specified by the general rule governing timeliness of complaints or within one year of the relevant event specified in subsection (b) of this section, whichever is greater.
- (d) A complaint subject to this rule must include the following documentation or information:
  - (1) A copy of the court order appointing the licensee to conduct the evaluation, or alternatively, a transcript or excerpt therefrom or written statement from an attorney-of-record in the case reflecting the licensee's appointment;
  - (2) A copy of the licensee's expert report, or a statement that no such report was produced or provided;
  - (3) A copy of any judgment, final order, or dismissal entered by the trial court; and
  - (4) A copy of any documents provided by the licensee describing the costs of services, the nature of the services provided, as well as any limitations associated with those services, or a statement that no such documents were provided.
- (e) A complaint that does not substantially comply with subsection (d) of this section shall be dismissed by agency staff. A complaint may be held open for no more than 30 days following notice to the complainant regarding any such deficiency, after which, agency staff shall dismiss the complaint if the deficiency is not cured.
- (f) A complaint subject to this rule shall be dismissed unless the complainant can show:
  - (1) The licensee was disqualified or struck as an expert witness by the trial court;
  - (2) The licensee's opinion or inferences (i.e. testimony or report) complained of were ruled inadmissible by the trial court;
  - (3) A curriculum vitae and written report by an expert that provides a fair summary of the expert's opinions regarding the applicable law governing the licensee's expert opinion or report (i.e. standard of care) and the manner in which the licensee failed to meet the requirements of the applicable law. The report must

- come from an expert qualified to render an expert opinion under Texas law on the relevant subject;
- (4) A letter from an attorney licensed to practice law in Texas setting forth the applicable law governing the licensee's expert opinion or report and reflecting an opinion as to the manner in which the licensee failed to meet the requirements of the applicable law; or
- (5) The agency would be likely to prevail at a hearing before SOAH based upon the information provided.

*Adopted to be effective: September 1, 2020*

**884.4. Special Requirements for Complaints Alleging Violations Related to Court Ordered Therapy or Parenting Facilitator Services.**

- (a) A person who seeks to file a complaint alleging a statutory or rule violation arising out of or related to court ordered therapy or parenting facilitator services must, in addition to submitting a Council-approved complaint form, comply with the requirements of this rule when filing a complaint.
- (b) A complaint may not be filed while the licensee is under appointment to provide therapy or parenting facilitator services. A complaint received by the Council while the licensee is appointed will be dismissed by staff as premature but may be resubmitted as a new complaint after the appointment is concluded or terminated.
- (c) A complaint will be considered timely filed if brought within the time period specified by the general rule governing timeliness of complaints or within one year of the appointment being concluded or terminated, whichever is greater.
- (d) A complaint must include each of the following:
  - (1) Documentation reflecting the licensee's appointment in the case. A copy of a court order, docket sheet, or transcript from the proceedings or a letter from an attorney involved in the case will meet the requirements of this rule;
  - (2) a copy of any documents provided by the licensee describing the costs, nature, or limitations of the services to be provided, or a statement that no such documents were provided;
  - (3) an attestation that the licensee's appointment in the case has been concluded or terminated. A letter from an attorney involved in the case will also meet the requirements of this rule.
- (e) A complaint that does not substantially comply with subsection (d) of this section shall be dismissed by agency

staff. A complaint may be held open for no more than 30 days following notice to the complainant regarding any such deficiency, after which, agency staff shall dismiss the complaint if the deficiency is not cured.

*Adopted to be effective: February 27, 2022*

**884.5. Complaints Alleging Violation of Court Orders or Education Law.**

- (a) A person who seeks to file a complaint alleging a violation of a court order in connection with the delivery of services by a licensee must, in addition to submitting a Council-approved complaint form, submit a certified copy of the court order violated and a certified copy of the judgment, order, or minutes of the court reflecting a finding of violation by the licensee. A complaint subject to this rule not in strict compliance with this requirement will be dismissed by agency staff.
- (b) Complaints Involving Standard of Care Issues in Schools:
  - (1) An individual wishing to file a complaint against a licensee for any matter relating to the identification, evaluation, or educational placement of or the provision of a free appropriate public education to a student, must first exhaust all administrative remedies available to that individual under 19 TAC §89.1150 of the Commissioner's Rules Concerning Special Education Services, Texas Education Agency. An individual that has gone through a due process hearing with the Texas Education Agency will be considered to have exhausted all administrative remedies.
  - (2) For purposes of this rule, limitations shall not begin to run until all of the administrative remedies referenced in paragraph (1) of this subsection have been exhausted.
  - (3) Notwithstanding paragraph (1) of this subsection, an individual employed or contracted by the same public or private school as the licensee may file a complaint covered by paragraph (1) of this subsection regardless of whether any administrative remedies available under state or federal education law are utilized by the parent or legal guardian of a student. A complaint brought under this provision shall be subject to the rule of limitations.
  - (4) This rule shall not operate to preclude any individual from filing a complaint against a licensee for any matter other than those described in paragraph (1) of

this subsection, nor shall it operate to limit the Council's ability to bring a complaint for any matter within the agency's jurisdiction.

*Adopted to be effective: September 1, 2020*

**884.6. Protections Based on Affiliation with Religious Organizations.**

In accordance with Chapter 2400 of the Government Code, the Council and member boards may not initiate or take disciplinary action, including eligibility proceedings, against applicants or licensees based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization.

*Adopted to be effective: September 1, 2020*

## **Subchapter B. Investigations and Disposition of Complaints.**

**884.10. Investigation of Complaints.**

- (a) The following priority rating system shall serve to distinguish between categories of complaints. The priority rating system is as follows:
  - (1) High Priority - cases involving sexual misconduct or a probability of imminent physical harm to the public or a member of the public; and
  - (2) Regular Priority - cases involving all other violations of state or federal law.
- (b) The Enforcement Division shall investigate all complaints in a timely manner. A schedule shall be established for conducting each phase of a complaint that is under the control of the Council not later than the 30th day after the date the complaint is received. The schedule shall be kept in the information file of the complaint, and all parties shall be notified of the projected time requirements for pursuing the complaint. A change in the schedule must be noted in the complaint information file, and all parties to the complaint must be notified in writing not later than the seventh day after the date the change is made.
- (c) The Council may accept, but is not obligated to investigate, a complaint that lacks sufficient information to identify the source or the name of the person who filed the complaint, a complaint that lacks sufficient evidence to identify a specific violation, or a complaint with an uncooperative complainant.
- (d) A complainant may explain the allegations made in the complaint by attaching or including with the complaint any evidence the complainant believes is relevant to a



determination of the allegations, including written statements or communications, medical or mental health records, recordings, photographs, or other documentary evidence.

- (e) A review will be conducted upon receipt of a complaint to determine if the Council has jurisdiction over the complaint, and if so, whether the complaint states an allegation which, if true, would constitute a violation of the Council's rules or other law within the jurisdiction of the Council.
- (f) When a licensee's conduct or statements could lawfully be made under an authority separate from their license issued by the Council, any conduct or statement that falls within the scope of practice of their license will be presumed to be taken or made under the authority of that license, and therefore within the jurisdiction of the Council, unless the licensee can show:
  - (1) no reasonable person would believe the conduct or statement occurred in the context of a professional relationship, or
  - (2) the licensee clearly and unequivocally disclaimed acting under the authority of their license prior to the conduct or statement, received written acknowledgement and consent from any clients that no professional services would be provided under the authority of their license, and did not otherwise engage at any time in the scope of practice of their license in relation to the conduct or statement.
- (g) Complaints that do not state a violation of a law within the jurisdiction of the Council shall be dismissed. If the complaint alleges a violation of a law within the jurisdiction of another agency, the complaint will be referred to that agency as required or allowed by law.
- (h) Complaints that state a violation of a law within the jurisdiction of the Council shall be investigated by an investigator assigned by the Enforcement Division.
- (i) Licensees will receive written notice of any alleged complaint(s), including specific information regarding any violation(s) encountered. Notice to a licensee is effective and service is complete when sent by registered or certified mail to the licensee's address of record at the time of the mailing.
- (j) Following completion of the investigation, an investigation report shall be drafted. This report shall include a recommendation as to whether the investigation has produced sufficient evidence to establish probable cause that a violation has occurred.

- (k) The Enforcement Division Manager (or the manager's designee) and legal counsel shall review the investigation report to determine if there is probable cause that a violation occurred.
- (l) A complaint for which the staff determines probable cause exists shall be referred for an informal conference by agency staff or a member board's Disciplinary Review Panel. Agency staff shall send the respondent notice of the date and time of the informal conference.
- (m) A complaint for which staff or a Disciplinary Review Panel determines that probable cause does not exist shall be referred for dismissal.
- (n) The services of a private investigator shall be retained only in the event that staff investigator positions are vacant or inadequate to provide essential investigative services. The services of a private investigative agency shall be obtained in accordance with the state's procurement procedures.
- (o) If a complainant or respondent are represented by an attorney, any notice or service required by law shall be made upon the attorney at the attorney's last known address.

*Adopted to be effective: September 1, 2020*

*Amended: June 15, 2023; November 14, 2024; July 20, 2025*

#### **884.11. Informal Conferences.**

- (a) The purpose of an informal conference shall be to provide the complainant with an opportunity to be heard, the respondent with an opportunity to show compliance with the law, and for the agency staff or Disciplinary Review Panel to make a recommendation regarding the informal disposition of the complaint. An informal disposition may be made of any complaint by stipulation, conditional letter of agreement, agreed or consent order, or dismissal.
- (b) Agency staff may conduct an informal conference if counsel for the agency reasonably believes that expert testimony is not required to prove a violation of a standard of care or the scope of practice for the profession. Agency staff shall exercise reasonable control over the mode and order of the appearance by the parties, the presentation of witnesses and evidence, and the overall order and decorum during the proceedings. Complainants and respondents will be provided an opportunity to be heard by staff, at a time separate and apart from the other.
- (c) A Disciplinary Review Panel shall consist of not more than three board members selected by the member board. The panel shall confer with each other and select a chair for the informal conference. The panel chair shall exercise

reasonable control over the mode and order of the appearance by the parties, the presentation of witnesses and evidence, and the overall order and decorum during the proceedings. Complainants and respondents will be provided an opportunity to be heard by the panel, at a time separate and apart from the other.

- (d) Complainants and respondents may appear with legal counsel at informal conferences and shall be provided with an opportunity to present witnesses and any evidence they believe is relevant to a determination of the allegations, including written statements or communications, medical or mental health records, recordings, photographs, or other documentary evidence.
- (e) Complainants and respondents are encouraged to attend informal conferences, but attendance is voluntary.
  - (1) Failure by a respondent to attend an informal conference does not constitute professional misconduct or failure to cooperate with a Council investigation, but a respondent is not entitled to a new or additional informal conference if agency staff or the panel makes a disciplinary recommendation regarding the licensee in absentia.
  - (2) Failure by a complainant to attend an informal conference may result in a recommendation for dismissal of the complaint.
- (f) A complaint which is not dismissed or resolved by agreement following an informal conference, shall be filed as a contested case with the State Office of Administrative Hearings.
- (g) An attorney for the agency must be present at all informal conferences.
- (h) Informal conferences are not open meetings subject to Chapter 551 of the Government Code and no formal record of the proceedings shall be made or maintained.
- (i) The Council finds and declares that informal conferences are part of the confidential complaint and investigation process, and as such, the Disciplinary Review Panel and agency staff shall take any and all steps necessary to ensure the confidentiality of informal conferences in accordance with §507.205 of the Occupations Code.

*Adopted to be effective: September 1, 2020*

#### **884.12. Complaint Disposition.**

- (a) The Council must approve and enter all final orders following a contested case before SOAH or where no agreement exists between the agency and the respondent regarding the

disposition of a contested enforcement related matter. However, each member board shall be responsible for reviewing complaints involving the standard of care, ethical guidelines, or scope of practice following a contested case before SOAH and making a recommendation to the Council regarding the final disposition. A recommendation from a member board must include any recommended modifications to the findings of fact and conclusions of law in the PFD, as well as the recommended sanction. A proposed final order reflecting a member board's recommendations shall satisfy the requirements of this rule.

- (b) The Council shall review recommendations from member boards for anti-competitive impacts, administrative consistency, and good governance concerns. The Council may not substitute its judgment in contested enforcement matters for that of a member board where, in the Council's determination, none of the aforementioned concerns are present.
- (c) The Council may solicit input from and request the assistance of a member board when considering a contested enforcement matter if there are concerns about the standard of care or ethical practice shown by a licensee. The Council may specify the format of the input and assistance requested to satisfy the requirements of this rule.
- (d) Each member board is authorized to dismiss complaints and approve and enter agreed final orders and informal dispositions; Council ratification is not required. The Executive Director shall report the number of dismissals and agreed orders entered under this rule at Council meetings.
- (e) Disposition by the Executive Director.
  - (1) The Executive Director is authorized to:
    - (A) dismiss a complaint if the investigator and legal counsel agree that a violation did not occur or that the agency lacks jurisdiction over the complaint;
    - (B) dismiss a complaint recommended for dismissal by a Disciplinary Review Panel;
    - (C) dismiss a complaint following a contested case hearing before SOAH where the ALJ finds no violation of the law has occurred;
    - (D) accept the voluntary resignation of a license;
    - (E) offer, approve, and enter agreed orders if the disciplinary sanction imposed complies with the disciplinary guidelines and relevant schedule of sanctions; and

- (F) enter an order suspending a license upon receipt of an order suspending a license issued under Chapter 232 of the Family Code. Council ratification is not required.
- (2) The Executive Director shall report the number of agreed orders, dismissals, resignations, and suspensions ordered, along with a brief summary of the basis for each, to the Council and relevant member board at the next regular meeting.
- (3) The Executive Director must, when offering an agreed order or resignation order prior to an informal conference, advise the respondent of the right to an informal conference and that the matter will be set for an informal conference if requested or if an informal disposition cannot be agreed upon.
- (f) Any person who files a complaint will be notified of the disposition of the complaint. A person who filed a complaint that is dismissed will be notified of the dismissal by letter and the letter will reflect the legal basis or reason for the dismissal. A person who filed a complaint resulting in disciplinary action will be sent a copy of the Council's final order.

*Adopted to be effective: September 1, 2020*

## **Subchapter C. Disciplinary Guidelines and Schedule of Sanctions.**

### **884.20. Disciplinary Guidelines and General Schedule of Sanctions.**

- (a) Purpose. These disciplinary sanction guidelines are designed to provide guidance in assessing sanctions for violations of the Occupations Code, Chapter 507, and the Council's rules. The purpose of disciplinary sanctions is to protect the public, deter future violations, offer opportunities for rehabilitation if appropriate, punish violators, and deter others from violations. These guidelines are intended to promote consistent sanctions for similar violations, facilitate timely resolution of cases, and encourage settlements.
  - (1) Single Violation. The standard disciplinary sanctions outlined in the applicable schedule of sanctions shall apply to cases involving a single violation, and in which there are no aggravating or mitigating factors.
  - (2) Multiple Violations. The Council may impose more severe or restrictive sanctions for multiple violations.
  - (3) Aggravating and Mitigating Factors. The Council may impose more or less severe or restrictive sanctions,

based on any aggravating and/or mitigating factors that are found to apply in a particular case.

- (4) The standard and minimum disciplinary sanctions outlined below are applicable to persons who are being sanctioned for the first time. The Council may consider more severe or restrictive sanctions if a person has had a sanction assessed against them previously.
  - (5) The maximum disciplinary sanction in all cases is revocation of the license, which may be accompanied by an administrative penalty of up to \$5,000 per violation. In accordance with §507.352 of the Occupations Code, each day the violation continues or occurs is a separate violation.
  - (6) Each violation constitutes a separate offense, even if arising out of a single act.
  - (7) Failure to list a specific violation or Council rule in this rule does not prevent the Council from taking disciplinary action for such a violation.
  - (8) If a sanction for a violation of state or federal law is not listed in this rule, or specifically stated elsewhere, the sanction shall be a reprimand and administrative penalty.
  - (9) Notwithstanding paragraph (8) of this subsection, the Council will evaluate and determine the appropriate sanction for a licensee with a qualifying criminal conviction in accordance with §53.021 of the Occupations Code.
  - (10) The Council may combine an administrative penalty with another standard disciplinary sanction to protect the public or deter future violations.
- (b) Standard Disciplinary Sanctions. The Council may impose the following disciplinary sanctions which are listed in descending order of severity:
- (1) Revocation;
  - (2) Suspension for a definite period of time;
  - (3) Suspension plus probation of any or all of the suspension period;
  - (4) Probation of the license for a definite period of time;
  - (5) Reprimand; and
  - (6) Administrative penalty.
- (c) The following standard disciplinary sanctions shall apply to violations of:

<u>Council Rule or Violation</u>	<u>Revocation</u>	<u>Suspension</u>	<u>Probated Suspension</u>	<u>Reprimand</u>	<u>Administrative Penalty</u>
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§882.30 Display of License					X
§882.31 Advertising Restrictions				X	
§882.32 Duty to Update Name and Address					X
§882.33 Disclosure of Proprietary Examination Materials or Information Prohibited		X			
§882.34 Filing of False or Misleading Information with the Council		X			
§884.30 Cooperation with Council Investigations		X			
§884.31 Notice to the Public of Complaint Process					X
§884.32 Reportable Legal Action and Discipline					X

- (d) Additional Conditions. The Council may impose additional conditions or restrictions upon a license deemed necessary to facilitate the rehabilitation and education of the licensee and to protect the public, including but not limited to:
- (1) Consultation with the licensee on matters of ethics rules, laws and standards of practice by a licensed professional approved by the Council;
  - (2) Restrictions on the licensee's ability to provide certain types of services or to provide services to certain classes of patients;
  - (3) Restrictions on the licensee's supervision of others in a particular area of practice;
  - (4) Completion of a specified number of continuing education hours on specified topics approved in advance by the Council in addition to any minimum number required of all licensees as a condition of licensure;
  - (5) Taking and passing with the minimum required score of any examination required by the Council of a licensee; and
  - (6) Undergoing a psychological or medical evaluation by a qualified professional approved in advance by the Council and undergoing any treatment recommended pursuant to the evaluation.
- (e) Aggravating Factors. Aggravating factors are those which may increase the severity of unprofessional conduct,

justifying the imposition of a more severe penalty. Such factors include, but are not limited to the following:

- (1) Physical or emotional harm and the type and severity thereof;
  - (2) Economic harm to any individual or entity and the severity thereof;
  - (3) Increased potential for harm to the public;
  - (4) Attempted concealment of misconduct;
  - (5) Premeditated conduct;
  - (6) Intentional misconduct;
  - (7) Prior written warnings or written admonishments from any supervisor or governmental agency or official regarding statutes or regulations pertaining to the licensee's practice;
  - (8) Prior misconduct of a similar or related nature;
  - (9) Disciplinary history;
  - (10) Likelihood of future misconduct of a similar nature;
  - (11) Violation of a Council order;
  - (12) Failure to implement remedial measures to correct or alleviate harm arising from the misconduct;
  - (13) Lack of rehabilitative effort or potential; and
  - (14) Improper or inappropriate motive.
- (f) Mitigating Factors. Mitigating factors are those which may reduce the severity of unprofessional conduct. Such factors include, but are not limited to the following:
- (1) Acceptance of responsibility;
  - (2) Self-reporting of unprofessional conduct;
  - (3) Implementation of remedial measures to correct or mitigate harm arising from the unprofessional conduct;
  - (4) Good-faith motive;
  - (5) Rehabilitative efforts or potential; and
  - (6) Prior community service.

*Adopted to be effective: September 1, 2020*

*Amended: September 21, 2022*

**884.21. Assessment of Sanction.** The Council, subject to §507.306 of the Occupations Code, has the exclusive authority to assess sanctions against licensees who are found to have violated a law within its jurisdiction. While the Council will consider an ALJ's recommendations as to the sanctions to be imposed, it is not bound by such recommendations. The appropriate sanction is not a proper finding of fact or conclusion of law, and the determination of the appropriate sanction is reserved to the Council based upon the relevant schedule of sanctions and record in a contested case.

*Adopted to be effective: September 1, 2020*



## **Subchapter D. Duties and Responsibilities.**

**884.30. Cooperation with Council Investigations.** Licensees must cooperate with and respond to Council investigations. Failure to cooperate or respond may serve as grounds for a Council-initiated complaint and disciplinary action.

*Adopted to be effective: September 1, 2020*

**884.31. Notice to the Public of Complaint Process.**

- (a) Licensees shall provide notice to the public (e.g., patients, clients) that complaints can be filed with the Council by any of the following methods:
  - (1) on a registration form, application, written contract for services, or other intake paperwork required by licensees prior to delivering services;
  - (2) on a sign prominently displayed in the licensee's place of business or location where services are delivered. The sign must be printed on paper of no less than 8-1/2 inches by 11 inches in size;
  - (3) in a prominent and easily accessible location on the licensee's website; or
  - (4) in a bill for services.
- (b) The notice required by this rule must include the Council's name, mailing address, and telephone number, as well as the following statement:

### **NOTICE TO CLIENTS**

The Texas Behavioral Health Executive Council investigates and prosecutes professional misconduct committed by marriage and family therapists, professional counselors, psychologists, psychological associates, social workers, and licensed specialists in school psychology.

Although not every complaint against or dispute with a licensee involves professional misconduct, the Executive Council will provide you with information about how to file a complaint.

Please call 1-800-821-3205 for more information.

*Adopted to be effective: September 1, 2020*

**884.32. Reportable Legal Action and Discipline.**

- (a) Licensees are required to report legal actions as follows:
  - (1) Any conviction, sentence, dispositive agreement, or order placing the licensee on community supervision

or pretrial diversion, must be reported in writing to the Council within thirty days of the underlying event. A report must include the case number, court, and county where the matter is filed, together with a description of the matter being reported. A licensee shall provide copies of court documents upon request from agency staff.

- (2) Any lawsuit brought by or against a licensee concerning or related to the delivery of services regulated by this agency or billing practices by the licensee. A report must include a copy of the initial pleading filed by or served upon the licensee, and must be submitted to the Council within thirty days of either filing by or service upon the licensee.
  - (3) Any administrative or disciplinary action initiated against a licensee by another health regulatory agency in this state or any other jurisdiction, or any agency or office within the federal government, must be reported to the Council by sending notification of the action within thirty days of the licensee receiving notice of the action. A report must include a copy of any complaint, notice of violation, or other documentation received by the licensee from the initiating entity which describes the factual basis for the action. A licensee must also supplement this report to the Council with a copy of any order, letter, or determination setting forth the final disposition of the matter within thirty days following the final disposition.
- (b) A complaint shall be opened if a reported criminal action constitutes grounds for disciplinary action under applicable state or federal law. A complaint may be opened if a reported civil action constitutes grounds for disciplinary action under Council rules.
- (c) Reciprocal Discipline:
- (1) A complaint may be opened upon receipt of a report of discipline against a licensee by another health licensing agency in this state or any other jurisdiction.
  - (2) The Council may impose disciplinary action on a licensee according to its own schedule of sanctions for the conduct forming the basis of the other health licensing agency's disciplinary action.
  - (3) A voluntary surrender of a license in lieu of disciplinary action or during an investigation by another health licensing agency constitutes disciplinary action under this rule.

*Adopted to be effective: September 1, 2020*

## **Subchapter E. License Suspension.**

### **884.40. Temporary Suspension of a License.**

- (a) In accordance with §507.302 of the Occupations Code, a license shall be temporarily suspended when the Council or an executive committee of the Council determines that the continued practice by a licensee (respondent) would constitute a continuing and imminent threat to the public welfare.
- (b) An executive committee of the Council shall convene as follows:
  - (1) For each temporary suspension proceeding, the Council shall appoint a three-member executive committee, called a "suspension panel," to consider the information and evidence presented by agency staff. The suspension panel must have at least one member from the same profession as the respondent and a majority of members from the respondent's member board. The suspension panel shall confer with each other and name a chair of the suspension panel.
  - (2) In the event of the recusal of a suspension panel member or the inability of a suspension panel member to attend a temporary suspension proceeding, the presiding officer for the Council may appoint an alternate council member to serve on the suspension panel.
  - (3) The suspension panel may convene in-person or via telephone, video conference, or other electronic means.
- (c) Temporary Suspension Hearing. The meeting at which the suspension panel considers a temporary suspension is a temporary suspension hearing. At the temporary suspension hearing, agency staff shall present evidence and information to the suspension panel that the continued practice by a person licensed by the Council would constitute a continuing and imminent threat to the public welfare. Notice of the temporary suspension hearing shall be sent to the respondent no less than 10 days before the hearing by personal service or by registered or certified mail.
- (d) Order of Temporary Suspension. If a majority of the suspension panel votes to temporarily suspend a license, the suspension shall have immediate effect, and the chair of the suspension panel will sign an Order of Temporary Suspension. The Order of Temporary Suspension shall include a factual and legal basis establishing imminent peril to the public health, safety, or welfare, as required by

§2001.054(c-1) of the Government Code. The Order shall be sent to the respondent by first-class mail or email.

- (e) Temporary Suspension Without Notice. In accordance with §507.302(b) of the Occupations Code, a license may be suspended without notice to the respondent if at the time of the suspension, agency staff request a hearing before SOAH to be held as soon as practicable but no later than 14 days after the date of the temporary suspension. The hearing is referred to as the "probable cause hearing."
- (f) Notice, Continuance, and Waiver of Probable Cause Hearing. Agency staff shall serve notice of the probable cause hearing upon the respondent in accordance with SOAH's rules. The respondent may request a continuance or waiver of the probable cause hearing. If the ALJ grants the continuance request or the respondent waives the probable cause hearing, the suspension remains in effect until the suspension is considered by SOAH at the continued probable cause hearing or at the final hearing. If the probable cause hearing is not held within 14 days and the respondent did not request a continuance or waive the probable cause hearing, the suspended license is reinstated.
- (g) Probable Cause Hearing. At the probable cause hearing, an ALJ shall determine whether there is probable cause to continue the temporary suspension of the license and issue an order on that determination.
- (h) Final Hearing. The State Office of Administrative Hearings shall hold a hearing no later than 61 days from the date of the temporary suspension. At this hearing, agency staff shall present evidence supporting the continued suspension of the license and may present evidence of any additional violations related to the licensee. This hearing is referred to as the "final hearing."
- (i) Notice and Continuance of Final Hearing. Agency staff shall send notice of the final hearing in accordance with SOAH's rules. The respondent may request a continuance or waive the final hearing. If a final hearing is not held within 61 days of the date of the temporary suspension and the respondent did not request a continuance or waive the final hearing, the license is reinstated.
- (j) Proposal for Decision. Following the final hearing, the ALJ shall issue a PFD on the suspension. The PFD may also address any other additional violations related to the licensee.
- (k) A temporary suspension takes effect immediately and shall remain in effect until:
  - (1) a final or superseding order of the Council is entered;

- (2) the ALJ issues an order determining that there is no probable cause to continue the temporary suspension of the license; or
- (3) a SOAH hearing is not timely held.

*Adopted to be effective: September 1, 2020*

**884.41. Suspension of License for Failure to Pay Child Support.**

- (a) On receipt of a final court order or order from a Title IV-D agency (e.g. the Texas Attorney General) suspending a license due to failure to pay child support, the Executive Director shall immediately determine if the Council has issued a license to the obligor named on the order, and, if a license has been issued:
  - (1) enter an order of suspension of the license;
  - (2) report the suspension as appropriate; and
  - (3) demand surrender of the suspended license.
- (b) The Council shall implement the terms of an order suspending a license without additional review or hearing. The Council will provide notice of suspension as appropriate to the licensee and others concerned with the license.
- (c) The Council may not modify, remand, reverse, vacate, or stay an order suspending a license issued under Chapter 232 of the Family Code and may not review, vacate, or reconsider the terms of a final order suspending the license.
- (d) A licensee who is the subject of a court order or order from a Title IV-D agency suspending the individual's license is not entitled to a refund for any fee paid to the Council.
- (e) If a suspension overlaps a license renewal period, an individual with a license suspended under this section shall comply with the normal renewal procedures.
- (f) An individual who continues to engage in the practice of marriage and family therapy, professional counseling, psychology, or social work after the implementation of the order suspending the individual's license is liable for the same civil and criminal penalties provided for engaging in the licensed activity without a license or while a license is suspended.
- (g) On receipt of a court order or order from a Title IV-D agency vacating or staying an order suspending a license, the Executive Director shall promptly issue the affected license to the individual if the individual is otherwise qualified for the license.
- (h) The individual must pay a reinstatement fee in an amount equal to the renewal fee for the license prior to issuance of the license.

*Adopted to be effective: September 1, 2020*

## **Subchapter F. Special Provisions For Persons Licensed To Practice Psychology.**

### **884.50. Competency Evaluations under Chapter 501 of the Occupations Code.**

- (a) In accordance with §501.158 of the Occupations Code, based upon the Council's reasonable belief that an applicant or person licensed under Chapter 501 is not physically or mentally competent to provide psychological services with reasonable skill and safety to patients or has a physical or mental disease or condition that would impair the person's competency to provide psychological services, the Council may request the person submit to:
  - (1) a physical examination by a physician approved by the Council; or
  - (2) a mental examination by a physician or psychologist approved by the Council.
- (b) The Council may carry out its functions under this rule by and through an executive committee of the Council, which may convene as follows:
  - (1) For each competency evaluation proceeding, the Council may appoint a three-member executive committee, called a "competency evaluation panel," to issue requests for physical or mental examinations, conduct show cause hearings, and issue orders determining whether a person's failure to submit to an examination was justified or unjustified. The competency evaluation panel must consist of a majority from TSBEP with at least one member holding the same license as the respondent. The competency evaluation panel shall confer with each other and name a chair for the panel.
  - (2) In the event of the recusal of a competency evaluation panel member or the inability of a panel member to attend a competency evaluation proceeding, the presiding officer for the Council may appoint an alternate council member to serve on the competency evaluation panel.
  - (3) The competency evaluation panel may convene in-person or via telephone, video conference, or other electronic means.
- (c) If the person should refuse, ignore, or fail to comply with the Council's request, the Council shall issue an order requiring the person to show cause for the person's refusal at a hearing on the order scheduled for not later than the

thirtieth (30) day after the date the notice is served on the person. Notice shall be provided by either personal service or by registered mail, return receipt requested. The meeting at which the Council considers a person's failure to comply with an examination request is a "show cause hearing." At the show cause hearing, agency staff may present evidence and information to the Council that demonstrates the reasonable belief that an examination is necessary and may also present evidence of any additional violations related to the person. The person may appear, at the show cause hearing, in person and by counsel and present evidence to justify the person's refusal to submit to examination as well as respond to any additional violations.

- (d) After the show cause hearing, if a majority of the Council votes that the person's failure to comply with the request was unjustified then the Council shall issue an order requiring the person to submit to the examination. If a majority of the Council votes that the person's failure to comply with the request was justified, then the Council shall issue an order withdrawing the request for the examination.
- (e) If the person fails to comply with the order issued after the show cause hearing requiring the person to submit to a physical or mental examination, the Council may take disciplinary action against the person by docketing the matter at SOAH.
- (f) Following a SOAH hearing, the ALJ shall issue a PFD on whether the person's failure to comply with the Council's order and request was justified. The PFD shall also address any other additional violations related to the person.
- (g) The Council shall review the PFD at a regularly scheduled meeting after the PFD is issued and the Council shall issue a final order in the matter.
- (h) An appeal from the Council's order under this section is governed by Chapter 2001 of the Government Code.

*Adopted to be effective: September 1, 2020*

**884.51. Remedial Plans under Chapter 501 of the Occupations Code.**

- (a) In accordance with §501.411 of the Occupations Code, the Council may issue and establish the terms of a non-disciplinary remedial plan to resolve the investigation of a complaint against a person licensed under Chapter 501.
- (b) A remedial plan may not contain a provision that:
  - (1) revokes, suspends, limits, or restricts a person's license or other authorization to practice psychology;  
or
  - (2) assesses an administrative penalty against a person.

- (c) A remedial plan may not be imposed to resolve a complaint:
  - (1) concerning significant patient harm; or
  - (2) in which the appropriate resolution may involve a restriction or limitation on the manner in which a license holder practices psychology or the suspension or revocation of a license.
- (d) The Council may not issue a remedial plan to resolve a complaint against a license holder if the license holder has previously entered into a remedial plan with the Council for the resolution of a different complaint.
- (e) The Council may issue a remedial plan to resolve a complaint against a license holder in which the appropriate resolution involves a reprimand, administrative penalty, or a combination thereof under the appropriate schedule of sanctions.
- (f) The Council may assess a fee against a license holder participating in a remedial plan in an amount necessary to recover the costs of administering the plan.
- (g) In accordance with §507.205 of the Occupations Code, a remedial plan is confidential complaint information and not subject to public disclosure.

*Adopted to be effective: September 1, 2020*

## **Subchapter G. Compliance.**

### **884.55. Monitoring Compliance with Disciplinary Orders.**

Each member board shall coordinate with agency staff and be responsible for monitoring its applicants and licensees who are ordered by the Council to take or undergo certain corrective, preventative, or rehabilitative steps within a disciplinary or eligibility order. The member boards shall ascertain whether its applicants and licensees are performing the required acts within the designated time period, and make appropriate recommendations to the Council for modification of the terms of an order or for further enforcement proceedings based upon noncompliance.

*Adopted to be effective: September 1, 2020*

## **Subchapter H. Contested Cases.**

### **884.60. Depositions, Subpoenas, and Witness Expenses.**

- (a) In accordance with §§2001.089 and 2001.094 of the Government Code and §507.206 of the Occupations Code, on the written request of any party, the executive director may issue a commission for a deposition or a subpoena to require



the attendance of witnesses or the production of tangible items in a contested case docketed at SOAH.

- (b) If the commission or subpoena is for a witness to attend a deposition or a hearing, the written request shall contain the name and address of the witness and the date and location where the witness must appear.
- (c) If the subpoena is for the production of tangible items, the written request shall contain a description of the items, the name and address of the person who has custody of the items, and the date and location where they must be produced.
- (d) Each subpoena or commission request shall contain a statement why it should be issued.
- (e) The executive director shall issue a subpoena or commission if there is good cause.
- (f) A witness who is not a party and who is subpoenaed to appear at a deposition or hearing is entitled to reimbursement for expenses in accordance with Texas Government Code §2001.103.
- (g) The party or agency at whose request a witness appears or the deposition is taken shall be responsible for payment of the expenses required by this rule.
- (h) A party requesting a commission or subpoena shall deposit funds with the Council, in the form of a check or money order made payable to the witness, sufficient to cover the anticipated expenses for complying with the subpoena. The executive director may not issue a party's subpoena or commission until sufficient funds are deposited.
- (i) The Council shall forward the deposited funds to the witness via certified mail, along with a copy of the subpoena or commission. Alternatively, if the party requesting the subpoena or commission wishes to serve the witness by another means then the deposited funds shall be returned to that party, via regular or certified mail, along with a copy of the subpoena or commission to be served by the requesting party.
- (j) In accordance with §§2001.089 and 2001.094 of the Government Code and §507.206 of the Occupations Code, the executive director or presiding member of the Council has the exclusive authority to issue a commission or subpoena, as well as approve or deny a request for the same.

*Adopted to be effective: November 14, 2024*

**884.61. Contested Case Hearing Costs.**

- (a) Costs associated with a contested case hearing before SOAH shall be determined according to the rules in 1 TAC

§155.423 unless determined in accordance with subsection (b) of this section.

- (b) On the written request by a party to a case or on request of the ALJ, a written transcript of all or part of the proceedings shall be prepared. The cost of the transcript is borne by the requesting party. This section does not preclude the parties from agreeing to share the costs associated with the preparation of a transcript. If only the ALJ requests a transcript, costs will be assessed to the respondent(s) or applicant(s), as appropriate.

*Adopted to be effective: September 1, 2020*

**884.62. Final Decision and Order.**

- (a) A final decision or order following a contested case at SOAH shall be in writing and shall be signed by the presiding officer for the Council.
- (b) A party who appeals a final agency decision or order must pay all costs for the preparation of the original or a certified copy of the record of the agency proceeding that is required to be transmitted to the reviewing court.

*Adopted to be effective: September 1, 2020*

**884.63. Motion for Rehearing.**

- (a) A motion for rehearing is a prerequisite to appeal from a Council's final decision or order in a contested case. A motion for rehearing shall be filed and handled in accordance with Government Code, Chapter 2001, Subchapter F.
- (b) The Executive Director is authorized to grant or deny requests to extend the deadline for filing a motion for rehearing in accordance with Government Code, Chapter 2001, Subchapter F.
- (c) In the event of an extension, the motion for rehearing may be overruled by operation of law in accordance with Government Code, Chapter 2001, Subchapter F.

*Adopted to be effective: September 1, 2020*

**884.65. Corrected Final Decision and Order.**

The Executive Director may enter a corrected order to correct a clerical mistake in an order of the Council.

*Adopted to be effective: September 1, 2020*

# FEES

## 885.1. Executive Council Fees.

- (a) General provisions.
  - (1) All fees are nonrefundable, nontransferable, and cannot be waived except as otherwise permitted by law. Any attempt to cancel, initiate a chargeback, or seek recovery of fees paid to the Council may result in the opening of a complaint against a license or applicant.
  - (2) Fees required to be submitted online to the Council must be paid by debit or credit card. All other fees paid to the Council must be in the form of a personal check, cashier's check, or money order.
  - (3) For applications and renewals the Council is required to collect fees to fund the Office of Patient Protection (OPP) in accordance with Texas Occupations Code §101.307, relating to the Health Professions Council.
  - (4) For applications, examinations, and renewals the Council is required to collect subscription or convenience fees to recover costs associated with processing through Texas.gov.
  - (5) All examination fees are to be paid to the Council's designee.
- (b) The Executive Council adopts the following chart of fees:
  - (1) Fees effective through August 31, 2023

<u>Fees</u>	<u>Total Fee</u>	<u>Base</u>	<u>Texas.gov</u>	<u>OPP</u>	<u>eStrategy</u>
<b><u>APPLICATION FEES (Effective for applications submitted before 9/1/23)</u></b>					
<b><u>Social Workers</u></b>					
LBSW or LMSW Application	\$ 109.00	\$ 100.00	\$ 4.00	\$ 5.00	
LCSW Application (LMSW-AP applications no longer accepted)	\$ 129.00	\$ 120.00	\$ 4.00	\$ 5.00	
Upgrade from LBSW to LMSW	\$ 24.00	\$ 20.00	\$ 4.00		
Upgrade from LMSW to LCSW	\$ 24.00	\$ 20.00	\$ 4.00		
Independent Practice Recognition	\$ 20.00	\$ 20.00			
Supervisor Status Application	\$ 54.00	\$ 50.00	\$ 4.00		
Temporary License Application	\$ 30.00	\$ 30.00			
<b><u>Marriage and Family Therapists</u></b>					
Initial LMFT Associate Application	\$ 159.00	\$ 150.00	\$ 4.00	\$ 5.00	
Upgrade from LMFT Associate to LMFT	\$ 90.00	\$ 85.00	\$ 5.00		
LMFT by Endorsement Application	\$ 161.00	\$ 150.00	\$ 6.00	\$ 5.00	
Supervisor Status Application	\$ 54.00	\$ 50.00	\$ 4.00		
<b><u>Professional Counselors</u></b>					
LPC Associate/LPC/Provisional License Application	\$ 221.00	\$ 210.00	\$ 6.00	\$ 5.00	
Supervisor Status Application	\$ 54.00	\$ 50.00	\$ 4.00		
Art Therapy Designation	\$ 20.00	\$ 20.00			
<b><u>Psychologists/Psychological</u></b>					

<b>Associates/Specialists in School Psychology</b>					
LPA Application	\$ 333.00	\$ 320.00	\$ 8.00	\$ 5.00	
LP Application	\$ 460.00	\$ 445.00	\$ 10.00	\$ 5.00	
LP License Issuance Fee	\$ 391.00	\$ 381.00	\$ 10.00		
LSSP Application	\$ 288.00	\$ 275.00	\$ 8.00	\$ 5.00	
Temporary License Application	\$ 103.00	\$ 100.00	\$ 3.00		
<b>RENEWAL FEES</b>					
<b>Social Workers</b>					
LBSW/LMSW Renewal	\$ 141.00	\$ 135.00	\$ 4.00	\$ 2.00	
LMSW-AP/LCSW Renewal	\$ 163.00	\$ 155.00	\$ 6.00	\$ 2.00	
Additional Renewal Fee for Independent Recognition	\$ 20.00	\$ 20.00			
Additional Renewal Fee for Supervisor Status	\$ 50.00	\$ 50.00			
<b>Marriage and Family Therapists</b>					
LMFT/LMFT Associate Renewal	\$ 141.00	\$ 135.00	\$ 4.00	\$ 2.00	
Additional Renewal Fee for Supervisor Status	\$ 50.00	\$ 50.00			
LMFT Associate Extension	\$ 141.00	\$ 135.00	\$ 4.00	\$ 2.00	
<b>Professional Counselors</b>					
LPC Renewal	\$ 141.00	\$ 135.00	\$ 4.00	\$ 2.00	
Additional Renewal Fee for Supervisor Status	\$ 50.00	\$ 50.00			
<b>Psychologists/Psychological Associates/Specialists in School Psychology</b>					
LPA Renewal	\$ 238.00	\$ 230.00	\$ 6.00	\$ 2.00	
LP Renewal	\$ 424.00	\$ 412.00	\$ 10.00	\$ 2.00	
LSSP Renewal	\$ 141.00	\$ 135.00	\$ 4.00	\$ 2.00	
Over 70 Renewal – Applicable only to licensees who turned 70 by 8/31/2020	\$ 26.00	\$ 20.00	\$ 4.00	\$ 2.00	
Additional Renewal Fee for HSP Designation	\$ 40.00	\$ 40.00			
<b>EXAMINATION FEES</b>					
<b>Social Workers</b>					
Jurisprudence Exam	\$ 39.00	\$ 5.00			\$ 34.00
<b>Marriage and Family Therapists</b>					
Jurisprudence Exam	\$ 39.00	\$ 5.00			\$ 34.00
<b>Professional Counselor</b>					
Jurisprudence Exam	\$ 39.00	\$ 5.00			\$ 34.00
<b>Psychologists/Psychological Associates/Specialist in School Psychology</b>					
Jurisprudence Exam	\$ 39.00	\$ 5.00			\$ 34.00
<b>MISCELLANEOUS FEES</b>					
Duplicate Renewal Permit or License	\$ 10.00	\$ 8.00	\$ 2.00		
Written Verification of Licensure	\$ 10.00				
Written State to State Verification of Licensure	\$ 50.00	\$ 48.00	\$ 2.00		
Mailing List	\$ 10.00	\$ 8.00	\$ 2.00		
Returned Check Fee	\$ 25.00				
Criminal History Evaluation	\$ 150.00	\$ 150.00			
Reinstate of License	\$ 510.00	\$ 500.00	\$ 10.00		
Request for Inactive Status	\$ 106.00	\$ 100.00	\$ 4.00	\$ 2.00	
Inactive Status Renewal (biennial)	\$ 106.00	\$ 100.00	\$ 4.00	\$ 2.00	
Request to Reactivate License from Inactive Status	equal to current renewal fee				

Late fee for license expired 90 days or less	equal to 1.5 times base renewal fee (plus applicable Texas.gov and OPP fees)				
Late fee for license expired more than 90 days, but less than one year	Equal to 2 times the base renewal fee (plus applicable Texas.gov and OPP fees)				

(2) Fees effective on September 1, 2023.

<b>Fees</b>	<b>Total Fee</b>	<b>Base</b>	<b>Texas.gov</b>	<b>OPP</b>	<b>eStrategy</b>
<b><u>APPLICATION FEES (Effective for applications submitted after 8/31/23)</u></b>					
<b><u>Social Workers</u></b>					
LBSW or LMSW Application	\$ 109.00	\$ 100.00	\$ 4.00	\$5.00	
LCSW Application (LMSW-AP applications no longer accepted)	\$ 120.00	\$ 111.00	\$ 4.00	\$5.00	
Upgrade from LBSW to LMSW	\$ 24.00	\$ 20.00	\$ 4.00		
Upgrade from LMSW to LCSW	\$ 24.00	\$ 20.00	\$ 4.00		
Independent Practice Recognition	\$ 20.00	\$ 20.00			
Supervisor Status Application	\$ 54.00	\$ 50.00	\$ 4.00		
Temporary License Application	\$ 30.00	\$ 30.00			
<b><u>Marriage and Family Therapists</u></b>					
Initial LMFT Associate Application	\$ 159.00	\$ 150.00	\$ 4.00	\$5.00	
Upgrade from LMFT Associate to LMFT	\$ 90.00	\$ 86.00	\$ 4.00		
Initial LMFT Application	\$ 161.00	\$ 150.00	\$ 6.00	\$5.00	
Supervisor Status Application	\$ 54.00	\$ 50.00	\$ 4.00		
Temporary License Application	\$ 103.00	\$ 100.00	\$ 3.00		
<b><u>Professional Counselors</u></b>					
LPC Associate/LPC/Provisional License Application	\$ 165.00	\$ 154.00	\$ 6.00	\$5.00	
Supervisor Status Application	\$ 54.00	\$ 50.00	\$ 4.00		
Art Therapy Designation	\$ 20.00	\$ 20.00			
<b><u>Psychologists/Psychological Associates/Specialists in School Psychology</u></b>					
LPA Application	\$ 144.00	\$ 135.00	\$ 4.00	\$5.00	
LP Application (including reciprocity applications)	\$ 425.00	\$ 410.00	\$ 10.00	\$5.00	
LSSP Application	\$ 252.00	\$ 239.00	\$ 8.00	\$5.00	
Temporary License Application	\$ 103.00	\$ 100.00	\$ 3.00		
<b><u>RENEWAL FEES</u></b>					
<b><u>Social Workers</u></b>					
LBSW/LMSW Renewal	\$ 108.00	\$ 102.00	\$ 4.00	\$2.00	
LMSW-AP/LCSW Renewal	\$ 108.00	\$ 102.00	\$ 4.00	\$2.00	
Additional Renewal Fee for Independent Recognition	\$ 20.00	\$ 20.00			
Additional Renewal Fee for Supervisor Status	\$ 50.00	\$ 50.00			
<b><u>Marriage and Family Therapists</u></b>					
LMFT Renewal	\$ 141.00	\$ 135.00	\$ 4.00	\$2.00	
Additional Renewal Fee for Supervisor Status	\$ 50.00	\$ 50.00			
<b><u>Professional Counselors</u></b>					
LPC Renewal	\$ 141.00	\$ 135.00	\$ 4.00	\$2.00	
Additional Renewal Fee for Supervisor Status	\$ 50.00	\$ 50.00			

<b>Psychologists/Psychological Associates/Specialists in School Psychology</b>					
LPA Renewal	\$ 238.00	\$ 230.00	\$ 6.00	\$2.00	
LP Renewal	\$ 295.00	\$ 285.00	\$ 8.00	\$2.00	
LSSP Renewal	\$ 141.00	\$ 135.00	\$ 4.00	\$2.00	
Over 70 Renewal – Applicable only to licensees who turned 70 by 8/31/2020	\$ 26.00	\$ 20.00	\$ 4.00	\$2.00	
Additional Renewal Fee for HSP Designation	\$ 40.00	\$ 40.00			
<b>EXAMINATION FEES</b>					
<b>Social Workers</b>					
Jurisprudence Exam	\$ 39.00				\$ 39.00
<b>Marriage and Family Therapists</b>					
Jurisprudence Exam	\$ 39.00				\$ 39.00
<b>Professional Counselor</b>					
Jurisprudence Exam	\$ 39.00				\$ 39.00
<b>Psychologists/Psychological Associates/Specialist in School Psychology</b>					
Jurisprudence Exam	\$ 39.00				\$ 39.00
<b>MISCELLANEOUS FEES</b>					
Duplicate Renewal Permit or License	\$ 10.00	\$ 8.00	\$ 2.00		
Written State to State Verification of Licensure	\$ 50.00	\$ 48.00	\$ 2.00		
Returned Check Fee	\$ 25.00				
Criminal History Evaluation	\$ 150.00	\$ 150.00			
Reinstatement of License	\$ 510.00	\$ 500.00	\$ 10.00		
Request for Inactive Status	\$ 106.00	\$ 100.00	\$ 4.00	\$2.00	
Inactive Status Renewal (biennial)	\$ 106.00	\$ 100.00	\$ 4.00	\$2.00	
Update Doctoral Degree on License	\$ 54.00	\$ 50.00	\$ 4.00		
Request to Reactivate License from Inactive Status	equal to current renewal fee				
Late fee for license expired 90 days or less	equal to 1.5 times base renewal fee (plus applicable Texas.gov and OPP fees)				
Late fee for license expired more than 90 days, but less than one year	Equal to 2 times the base renewal fee (plus applicable Texas.gov and OPP fees)				

- (c) Late fees. (Not applicable to Inactive Status)
- (1) If the person's license has been expired (i.e., delinquent) for 90 days or less, the person may renew the license by paying to the Council a fee in an amount equal to one and one-half times the base renewal fee.
  - (2) If the person's license has been expired (i.e., delinquent) for more than 90 days but less than one year, the person may renew the license by paying to

the Council a fee in an amount equal to two times the base renewal fee.

- (3) If the person's license has been expired (i.e., delinquent) for one year or more, the person may not renew the license; however, if eligible the person may apply for reinstatement of the license.
- (d) Open Records Fees. In accordance with §552.262 of the Government Code, the Council adopts by reference the rules developed by the Office of the Attorney General in 1 TAC Part 3, Chapter 70 (relating to Cost of Copies of Public Information) for use by each governmental body in determining charges under Government Code, Chapter 552 (Public Information) Subchapter F (Charges for Providing Copies of Public Information).
- (e) Military Exemption for Fees. All licensing and examination base rate fees payable to the Council are waived for applicants who are:
  - (1) military service members and military veterans, as those terms are defined by Chapter 55, Occupations Code, whose military service, training, or education substantially meets all licensure requirements; or
  - (2) military service members, military veterans, and military spouses, as those terms are defined by Chapter 55, Occupations Code, who hold a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements of this state.

*Adopted to be effective: September 1, 2020*

*Amended: February 9, 2021; September 19, 2021; November 23, 2022; November 14, 2024; July 20, 2025*

# **TEXAS STATE BOARD OF EXAMINERS** **OF PSYCHOLOGISTS**

## **APPLICATIONS AND EXAMINATIONS**

### **Subchapter A. Applications and Licensing.**

- 463.1. Regionally Accredited Educational Institutions.** Degrees required for licensure under Occupations Code, Chapter 501 must have been awarded or conferred by 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.

*Adopted to be effective: October 7, 2020*

- 463.2. Reciprocity Agreements with Other Jurisdictions.** The Council may enter into reciprocal licensing agreements with other jurisdictions pursuant to §501.262 of the Psychologists' Licensing Act. In determining whether the requirements for licensure, certification, or registration in other jurisdictions are substantially equal to those prescribed by the Psychologists' Licensing Act, for the granting of licensure by reciprocity, the Council shall consider the following:

- (1) whether the jurisdiction's qualifications for licensure are substantially equal to the requirements for a comparable license under the Psychologists' Licensing Act;
- (2) whether a jurisdiction will license an applicant who would be ineligible for licensure in Texas due to a criminal history;
- (3) whether the jurisdiction's cut-off score on a mutually required examination meets or exceeds the Texas cut-off score; and
- (4) whether the jurisdiction's supervised experience requirements for a particular license provide a measure of public protection, which at a minimum is substantially equal to the supervised experience requirements for a comparable license under the Psychologists' Licensing Act.

*Adopted to be effective: October 7, 2020*



**463.3. Use of Other Mental Health License During Supervised Experience.**

- (a) An individual who holds a mental health license, other than one issued under Chapter 501, may not obtain the required practicum, internship, or supervised experience required for a license under Chapter 501 while practicing under that license.
- (b) An individual subject to subsection (a) of this section must comply with the Psychologists' Licensing Act and all applicable Council rules regarding the use of appropriate titles.

*Adopted to be effective: October 7, 2020*

**Subchapter B. Licensing Requirements.**

**463.8. Licensed Psychological Associate.**

- (a) Licensure Requirements. An applicant for licensure as a psychological associate must:
  - (1) hold a graduate degree in psychology from a regionally accredited institution of higher education;
  - (2) provide documentation of at least six (6) semester credit hours of practicum, internship or other structured experience within the applicant's graduate degree program under the supervision of a licensed psychologist or under the supervision of an individual that holds a license as a specialist in school psychology;
  - (3) pass all examinations required by the Council and meet each of the criteria listed in §501.2525(a)(3)-(9) of the Occupations Code; and
  - (4) demonstrate graduate level coursework in each of the following areas:
    - (A) Psychological Foundations:
      - (i) the biological bases of behavior;
      - (ii) the acquired or learned bases of behavior, including learning, thinking, memory, motivation and emotion;
      - (iii) the social, cultural, and systemic bases of behavior;
      - (iv) the individual or unique bases of behavior, including personality theory, human development, and abnormal behavior;
    - (B) Research and Statistics:

- (i) the methodology used to investigate questions and acquire knowledge in the practice of psychology;
    - (ii) coursework in research design and methodology, statistics, critical thinking, and scientific inquiry;
  - (C) Applied Psychology:
    - (i) the history, theory, and application of psychological principles;
    - (ii) the application of psychological theories to individuals, families, and groups;
  - (D) Assessment:
    - (i) intellectual, personality, cognitive, physical, and emotional abilities, skills, interests, and aptitudes;
    - (ii) socio-economic, including behavioral, adaptive, and cultural assessment;
  - (E) Interventions:
    - (i) the application of therapeutic techniques;
    - (ii) behavior management;
    - (iii) consultation; and
  - (F) Scientific and Professional, Legal, and Ethical Issues.
- (b) Degree Requirements.
  - (1) For purposes of this rule:
    - (A) a graduate degree in psychology means the name of the candidate's major or program of studies contains the term "psychology;"
    - (B) a specialist degree shall be treated as a graduate degree; and
    - (C) one semester credit hour equals one and one-half quarter credit hours.
  - (2) A degree utilized to meet the requirements of this rule must consist of at least sixty (60) semester credit hours, with no more than twelve (12) semester credit hours of practicum, internship, or structured experience being counted toward the total degree hour requirement.
  - (3) Applicants must demonstrate proof of the graduate level coursework required in subsection (a)(2) and (4) of this section by identifying which courses or training listed on their transcripts satisfy the required areas of study. Applicants may be required to provide the Council with an official course catalogue or description from their university or training program to verify whether a course meets the requirements of this rule.

- (c) Supervision Requirements.
  - (1) A licensed psychological associate must practice under the supervision of a licensed psychologist and may not practice independently.
  - (2) Notwithstanding paragraph (1) of this subsection and subject to the limitations set out in paragraph (3) of this subsection, a licensed psychological associate may practice independently if:
    - (A) the licensee can demonstrate at least 3,000 hours of post-graduate degree experience in the delivery of psychological services under the supervision of one or more licensed psychologists;
    - (B) the supervised experience was obtained in not less than 24 consecutive months, but not more than 48 consecutive months, and in not more than three placements; and
    - (C) the licensee submits an application for independent practice evidencing proof of the required supervised experience.
  - (3) A licensed psychological associate meeting the requirements of paragraph (2) of this subsection shall be approved for independent practice, but remains subject to all Council rules, including §465.9 of this title.
  - (4) Applicants shall not utilize any supervised experience obtained from a psychologist with a restricted license or to whom they are related within the second degree of affinity or consanguinity to satisfy the requirements of this rule.
  - (5) Applicants licensed as specialists in school psychology or as a provisionally licensed psychologist may utilize experience acquired under that license if the experience was supervised by a licensed psychologist.
- (d) The correct title for a person licensed under this rule shall be "licensed psychological associate" or "psychological associate."
- (e) A licensed psychological associate authorized to practice independently under this rule must inform all patients and clients as part of the informed consent process, whether the licensee holds a master's, specialist or doctoral degree, and provide the patient with a current copy of any informational pamphlet or brochure published by the Council describing the differences between the levels of training and education received in master's, specialist, and doctoral degree programs. In lieu of providing each patient or client with a

copy of the required pamphlet or brochure, licensees may publish in a conspicuous manner, the pamphlet or brochure on their website or provide a link to the pamphlet or brochure on the Council's website.

(f) Continuation of Prior Law.

- (1) Notwithstanding subsection (b)(2) of this section, a person who began a graduate program before August 31, 2019, leading to a degree in psychology, that otherwise meets the requirements of subsection (a)(1) of this section, shall be considered to have met the requirements of subsection (b)(2) of this section if the individual has completed 42 semester credit hours.
- (2) Applicants with degrees consisting of less than 42 semester credit hours may utilize a maximum of 12 semester credit hours from another graduate degree program in psychology to achieve the total of 42 semester credit hours to meet the requirement of subsection (f)(1) of this section.

(g) Remedy for Incomplete Licensure Requirements.

- (1) An applicant who has completed a graduate degree in psychology, from a regionally accredited institution of higher education, that consists of at least sixty (60) semester credit hours, is currently licensed as an LSSP, or meets the requirements of subsection (f) of this section, and who does not meet all of the qualifications for licensure set out in subsection (a)(2) and (4) of this section may petition for permission to remediate an area of deficiency. An applicant may not, petition for the waiver or modification of the requisite degree or passage of the requisite examinations.
- (2) The Council may allow an applicant to remediate a deficiency identified in paragraph (1) of this subsection if the applicant can demonstrate:
  - (A) the prerequisite is not mandated by federal law, the state constitution or statute, or 22 TAC Part 41; and
  - (B) the remediation would not adversely affect the public welfare.
- (3) The Council may approve or deny a petition under this subsection, and in the case of approval, may condition the approval on reasonable terms and conditions designed to ensure the applicant's education, training, and experience provide reasonable assurance that the applicant has the knowledge and skills necessary for entry-level practice as a licensed psychological associate.

**463.9. Licensed Specialist in School Psychology.**

- (a) License Requirements. An applicant for licensure as a specialist in school psychology must:
  - (1) hold an appropriate graduate degree;
  - (2) provide proof of specific graduate level coursework;
  - (3) provide proof of an acceptable internship;
  - (4) provide proof of passage of all examinations required by the Council; and
  - (5) meet the requirements imposed under §501.2525(a)(3) - (9) of the Occupations Code.
- (b) Applicants who hold active certification as a Nationally Certified School Psychologist (NCSP) are considered to have met all requirements for licensure under this rule except for passage of the Jurisprudence Examination. Applicants relying upon this subsection must provide the Council with their NCSP certification number.
- (c) Applicants who graduated from a training program accredited or approved by the National Association of School Psychologists or accredited in School Psychology by the American Psychological Association are considered to have met all training and internship requirements for licensure under this rule. Applicants relying upon this subsection must submit an official transcript indicating the degree and date the degree was awarded or conferred.
- (d) Appropriate Graduate Degrees.
  - (1) Applicants who do not hold active NCSP certification, or who did not graduate from a training program accredited or approved by the National Association of School Psychologists or accredited in School Psychology by the American Psychological Association, must have completed a graduate degree in psychology from a regionally accredited institution of higher education. For purposes of this rule, a graduate degree in psychology means the name of the candidate's major or program of study is titled psychology.
  - (2) Applicants applying under this subsection must have completed, either as part of their graduate degree program or after conferral of their graduate degree, at least 60 graduate level semester credit hours from a regionally accredited institution of higher education. A maximum of 12 internship hours may be counted toward this requirement.

- (3) An applicant who holds a graduate degree that does not qualify under subsection (d)(1) but meets the requirements of subsection (d)(2) is considered to have an appropriate graduate degree if:
  - (A) the applicant holds a certificate of completion from a graduate-level training program designed to train individuals from related disciplines in the practice of school psychology;
  - (B) the applicant holds a graduate degree in a discipline related to psychology from a regionally accredited institution of higher education;
  - (C) the applicant is licensed, certified, or registered in good standing to practice school psychology in another jurisdiction; or
  - (D) the applicant was licensed, certified, or registered to practice school psychology in another jurisdiction within the previous ten years before application for licensure and was not subject to any administrative or disciplinary actions during that same time period.
- (e) Applicants applying under subsection (d) of this section must submit evidence of graduate level coursework as follows:
  - (1) Psychological Foundations, including:
    - (A) biological bases of behavior;
    - (B) human learning;
    - (C) social bases of behavior;
    - (D) multi-cultural bases of behavior;
    - (E) child or adolescent development;
    - (F) psychopathology or exceptionalities;
  - (2) Research and Statistics;
  - (3) Educational Foundations, including any of the following:
    - (A) instructional design;
    - (B) organization and operation of schools;
    - (C) classroom management; or
    - (D) educational administration;
  - (4) School-based Assessment, including:
    - (A) psychoeducational assessment;
    - (B) socio-emotional, including behavioral and cultural, assessment;
  - (5) School-based Interventions, including:
    - (A) counseling;
    - (B) behavior management;
    - (C) consultation;
  - (6) Professional, Legal and Ethical Issues; and

- (7) A School-based Practicum.
- (f) Applicants applying under subsection (d) of this section must have completed an internship with a minimum of 1200 hours and that meets the following criteria:
  - (1) At least 600 of the internship hours must have been completed in a public school.
  - (2) The internship must be provided through a formal course of supervised study from a regionally accredited institution of higher education in which the applicant was enrolled; or the internship must have been obtained in accordance with Council §463.11(d)(1) and (d)(2)(C) of this title.
  - (3) Any portion of an internship completed within a public school must be supervised by a Licensed Specialist in School Psychology, and any portion of an internship not completed within a public school must be supervised by a Licensed Psychologist.
  - (4) No experience which is obtained from a supervisor who is related within the second degree of affinity or consanguinity to the supervisee may be utilized.
  - (5) Unless authorized by the Council, supervised experience received from a supervisor practicing with a restricted license may not be utilized to satisfy the requirements of this rule.
  - (6) Internship hours must be obtained in not more than two placements. A school district, consortium, and educational co-op are each considered one placement.
  - (7) Internship hours must be obtained in not less than one or more than two academic years.
  - (8) An individual completing an internship under this rule must be designated as an intern.
  - (9) Interns must receive no less than two hours of supervision per week, with no more than half being group supervision. The amount of weekly supervision may be reduced, on a proportional basis, for interns working less than full-time.
  - (10) The internship must include direct intern application of assessment, intervention, behavior management, and consultation, for children representing a range of ages, populations and needs.
- (g) Provision of psychological services in the public schools by unlicensed individuals.
  - (1) An unlicensed individual may provide psychological services under supervision in the public schools if the individual is enrolled in an internship, practicum or other site based training in a psychology program in a

regionally accredited institution of higher education. An unlicensed individual no longer enrolled in a psychology program may nevertheless continue providing psychological services through completion of an internship, practicum, or other site based training begun while enrolled in the psychology program.

- (2) An unlicensed individual may not provide psychological services in a private school setting unless the activities or services provided are exempt under §501.004 of the Psychologists' Licensing Act.

*Adopted to be effective: October 7, 2020*

*Amended: September 19, 2021; March 7, 2023; March 27, 2024; March 17, 2025*

#### **463.10. Licensed Psychologists.**

- (a) Licensure Requirements. An applicant for licensure as a psychologist must:
  - (1) hold a doctoral degree in psychology from a college or university accredited by a regional accrediting organization;
  - (2) pass all examinations required by the agency;
  - (3) submit documentation of supervised experience from a licensed psychologist which satisfies the requirements of Council §463.11 of this title; and
  - (4) meet all other requirements of §501.2525 of the Occupations Code.
- (b) Degree Requirements.
  - (1) For those applicants with a doctoral degree conferred on or after January 1, 1979, the transcript must state that the applicant has a doctoral degree that designates a major in psychology.
  - (2) For those applicants with a doctoral degree conferred prior to January 1, 1979, the transcript must reflect a doctoral degree that designates a major in psychology or the substantial equivalent of a doctoral degree in psychology in both subject matter and extent of training. A doctoral degree will be considered the substantial equivalent to a doctoral degree in psychology if the training program meets the criteria of Council rule §463.15 of this title.
- (c) An applicant who holds an active Certificate of Professional Qualification in Psychology (CPQ) is considered to have met all requirements for licensure under this rule except for passage of the Jurisprudence Examination. Applicants relying upon this subsection must request that documentation of their certification be sent directly to the Council from the Association of State and Provincial



Psychology Boards (ASPPB), be submitted to the Council in the sealed envelope in which it was received by the applicant from ASPPB, or be submitted to the Council as directed by agency staff.

- (d) An applicant who holds an active specialist certification with the American Board of Professional Psychology (ABPP) is considered to have met all requirements for licensure under this rule except for passage of the EPPP and Jurisprudence Examination. Applicants relying upon this subsection must request that documentation of their specialist certification be sent directly to the Council from ABPP, be submitted to the Council in the sealed envelope in which it was received by the applicant from ABPP, or be submitted to the Council as directed by agency staff.
- (e) The requirement for documentation of supervised experience under this rule is waived for an applicant who is actively licensed as a doctoral-level psychologist in good standing and has been practicing psychology in another jurisdiction for at least five years. Applicants relying upon this subsection must request that verification of their out-of-state licensure be sent directly to the Council from the other jurisdiction, be submitted to the Council in the sealed envelope in which it was received by the applicant from the other jurisdiction, or be submitted to the Council as directed by agency staff.
- (f) Provisional License.
  - (1) An applicant who has not yet passed the required examinations or is seeking to acquire the supervised experience required under Council §463.11 of this title may practice under the supervision of a licensed psychologist as a provisionally licensed psychologist for not more than two years if the applicant meets all other licensing requirements.
  - (2) A provisional license will be issued to an applicant upon proof of provisional license eligibility. However, a provisional license will not be issued to an applicant who was issued a provisional license in connection with a prior application.
  - (3) A provisionally licensed psychologist is subject to all applicable laws governing the practice of psychology.
  - (4) A provisionally licensed psychologist may be made the subject of an eligibility or disciplinary proceeding. The two-year period for provisional licensure shall not be tolled by any suspension of the provisional license.
  - (5) A provisional license will expire after two years if the person does not qualify for licensure as a psychologist.

*Adopted to be effective: October 7, 2020*

*Amended: June 1, 2021; March 7, 2023; March 17, 2025*

**463.11. Supervised Experience Required for Licensure as a Psychologist.**

- (a) Required Supervised Experience. In order to qualify for licensure, an applicant must submit proof of a minimum of 3,500 hours of supervised experience, at least 1,750 of which must have been obtained through a formal internship that occurred within the applicant's doctoral degree program and at least 1,750 of which must have been received as a provisionally licensed psychologist (or under provisional trainee status under prior versions of this rule).
  - (1) A formal internship completed after the doctoral degree was conferred, but otherwise meeting the requirements of this rule, will be accepted for an applicant whose doctoral degree was conferred prior to September 1, 2017.
  - (2) The formal internship must be documented by the Director of Internship Training. Alternatively, if the Director of Internship Training is unavailable, the formal internship may be documented by a licensed psychologist with knowledge of the internship program and the applicant's participation in the internship program.
  - (3) Following conferral of a doctoral degree, 1,750 hours obtained or completed while employed in the delivery of psychological services in an exempt setting, while licensed or authorized to practice in another jurisdiction, or while practicing as a psychological associate or specialist in school psychology in this state may be substituted for the minimum of 1,750 hours of supervised experience required as a provisionally licensed psychologist if the experience was obtained or completed under the supervision of a licensed psychologist. Post-doctoral supervised experience obtained without a provisional license or trainee status prior to September 1, 2016, may also be used to satisfy, either in whole or in part, the post-doctoral supervised experience required by this rule if the experience was obtained under the supervision of a licensed psychologist.
- (b) Satisfaction of Post-doctoral Supervised Experience with Doctoral Program Hours.
  - (1) Applicants who received their doctoral degree from a degree program accredited by the American

Psychological Association (APA), the Canadian Psychological Association (CPA), Psychological Clinical Science Accreditation System (PCSAS), or a substantially equivalent degree program, may count the following hours of supervised experience completed as part of their degree program toward the required post-doctoral supervised experience:

- (A) hours in excess of 1,750 completed as part of the applicant's formal internship; and
- (B) practicum hours certified by the doctoral program training director (or the director's designee) as meeting the following criteria:
  - (i) the practicum training is overseen by the graduate training program and is an organized, sequential series of supervised experiences of increasing complexity, serving to prepare the student for internship and ultimately licensure;
  - (ii) the practicum training is governed by a written training plan between the student, the practicum training site, and the graduate training program. The training plan must describe how the trainee's time is allotted and assure the quality, breadth, and depth of the training experience through specification of the goals and objectives of the practicum, the methods of evaluation of the trainee's performance, and reference to jurisdictional regulations governing the supervisory experience. The plan must also include the nature of supervision, the identities of the supervisors, and the form and frequency of feedback from the agency supervisor to the training faculty. A copy of the plan must be provided to the Council upon request;
  - (iii) the supervising psychologist must be a member of the staff at the site where the practicum experience takes place;
  - (iv) at least 50% of the practicum hours must be in service-related activities, defined as treatment or intervention, assessment, interviews, report-writing, case presentations, and consultations;

- (v) individual face-to-face supervision shall consist of no less than 25% of the time spent in service-related activities;
  - (vi) at least 25% of the practicum hours must be devoted to face-to-face patient or client contact;
  - (vii) no more than 25% of the time spent in supervision may be provided by a licensed allied mental health professional or a psychology intern or post-doctoral fellow; and
  - (viii) the practicum must consist of a minimum of 15 hours of experience per week.
- (2) Applicants applying for licensure under the substantial equivalence clause must submit an affidavit or unsworn declaration from the program's training director or other designated leader familiar with the degree program, demonstrating the substantial equivalence of the applicant's degree program to an APA, PCSAS, or CPA accredited program at the time of the conferral of applicant's degree.
- (3) An applicant and the affiant or declarant shall appear before the agency in person to answer any questions, produce supporting documentation, or address any concerns raised by the application if requested by a council or board member or the Executive Director. Failure to comply with this paragraph shall constitute grounds for denial of substantial equivalency under this rule.
- (c) General Requirements for Supervised Experience. All supervised experience for licensure as a psychologist, including the formal internship, must meet the following requirements:
  - (1) Each period of supervised experience must be obtained in not more than two placements, and in not more than 24 consecutive months.
  - (2) A formal internship with rotations, or one that is part of a consortium within a doctoral program, is considered to be one placement. A consortium is composed of multiple placements that have entered into a written agreement setting forth the responsibilities and financial commitments of each participating member, for the purpose of offering a well-rounded, unified psychology training program whereby trainees work at multiple sites, but obtain

training from one primary site with some experience at or exposure to aspects of the other sites that the primary site does not offer.

- (3) The supervised experience required by this rule must be obtained after official enrollment in a doctoral program.
  - (4) All supervised experience must be received from a psychologist licensed at the time supervision is received.
  - (5) The supervising psychologist must be trained in the area of supervision provided to the supervisee.
  - (6) Experience obtained from a psychologist who is related within the second degree of affinity or consanguinity to the supervisee may not be utilized to satisfy the requirements of this rule.
  - (7) All supervised experience obtained for the purpose of licensure must be conducted in accordance with all applicable Council rules.
  - (8) Unless authorized by the Council, supervised experience received from a psychologist practicing with a restricted license may not be utilized to satisfy the requirements of this rule.
  - (9) The supervisee shall be designated by a title that clearly indicates a supervisory licensing status such as "intern," "resident," "trainee," or "fellow." An individual who is a Provisionally Licensed Psychologist or a Licensed Psychological Associate may use that title so long as those receiving psychological services are clearly informed that the individual is under the supervision of a licensed psychologist. An individual who is a Licensed Specialist in School Psychology may use that title so long as the supervised experience takes place within a school, and those receiving psychological services are clearly informed that the individual is under the supervision of an individual who is licensed as a psychologist and specialist in school psychology. Use of a different job title is permitted only if authorized under §501.004 of the Psychologists' Licensing Act, or another Council rule.
- (d) Formal Internship Requirements. The formal internship hours must be satisfied by one of the following types of formal internships:
- (1) The successful completion of an internship program accredited by the American Psychological Association (APA) or Canadian Psychological Association (CPA), or

which is a member of the Association of Psychology Postdoctoral and Internship Centers (APPIC); or

- (2) The successful completion of an organized internship meeting all of the following criteria:
  - (A) It must constitute an organized training program which is designed to provide the intern with a planned, programmed sequence of training experiences. The primary focus and purpose of the program must be to assure breadth and quality of training.
  - (B) The internship agency must have a clearly designated staff psychologist who is responsible for the integrity and quality of the training program and who is actively licensed/certified by the licensing board of the jurisdiction in which the internship takes place and who is present at the training facility for a minimum of 20 hours a week.
  - (C) The internship agency must have two or more full-time licensed psychologists on the staff as primary supervisors.
  - (D) Internship supervision must be provided by a staff member of the internship agency or by an affiliate of that agency who carries clinical responsibility for the cases being supervised.
  - (E) The internship must provide training in a range of assessment and intervention activities conducted directly with patients/clients.
  - (F) At least 25% of trainee's time must be in direct patient/client contact.
  - (G) The internship must include a minimum of two hours per week of regularly scheduled formal, face-to-face individual supervision. There must also be at least four additional hours per week in learning activities such as: case conferences involving a case in which the intern was actively involved; seminars dealing with psychology issues; co-therapy with a staff person including discussion; group supervision; additional individual supervision.
  - (H) Training must be post-clerkship, post-practicum and post-externship level.
  - (I) The internship agency must have a minimum of two full-time equivalent interns at the internship level of training during applicant's training period.

- (J) The internship agency must inform prospective interns about the goals and content of the internship, as well as the expectations for quantity and quality of trainee's work, including expected competencies; or
- (3) The successful completion of an organized internship program in a school district meeting the following criteria:
  - (A) The internship experience must be provided at or near the end of the formal training period.
  - (B) The internship experience must require a minimum of 35 hours per week over a period of one academic year, or a minimum of 20 hours per week over a period of two consecutive academic years.
  - (C) The internship experience must be consistent with a written plan and must meet the specific training objectives of the program.
  - (D) The internship experience must occur in a setting appropriate to the specific training objectives of the program.
  - (E) At least 600 clock hours of the internship experience must occur in a school setting and must provide a balanced exposure to regular and special educational programs.
  - (F) The internship experience must occur under conditions of appropriate supervision. Field-based internship supervisors, for the purpose of the internship that takes place in a school setting, must be licensed as a psychologist and, if a separate credential is required to practice school psychology, must have a valid credential to provide psychology in the public schools. The portion of the internship which appropriately may take place in a non-school setting must be supervised by a psychologist.
  - (G) Field-based internship supervisors must be responsible for no more than two interns at any given time. University internship supervisors shall be responsible for no more than twelve interns at any given time.
  - (H) Field-based internship supervisors must provide at least two hours per week of direct supervision for each intern. University internship supervisors must maintain an ongoing relationship with field-based internship

- supervisors and shall provide at least one field-based contact per semester with each intern.
- (I) The internship site shall inform interns concerning the period of the internship and the training objectives of the program.
- (J) The internship experience must be systematically evaluated in a manner consistent with the specific training objectives of the program.
- (K) The internship experience must be conducted in a manner consistent with the current legal-ethical standards of the profession.
- (L) The internship agency must have a minimum of two full-time equivalent interns at the internship level during the applicant's training period.
- (M) The internship agency must have the availability of at least two full-time equivalent psychologists as primary supervisors, at least one of whom is employed full time at the agency and is a school psychologist
- (e) Industrial/Organizational Requirements. Individuals from an Industrial/Organizational doctoral degree program are exempt from the formal internship requirement but must complete a minimum of 3,500 hours of supervised experience, at least 1,750 of which must have taken place after conferral of the doctoral degree and in accordance with subsection (a) of this section. Individuals who do not undergo a formal internship pursuant to this paragraph should note that Council rules prohibit a psychologist from practicing in an area in which they do not have sufficient training and experience, of which a formal internship is considered to be an integral requirement.
- (f) Licensure Following Respecialization.
  - (1) In order to qualify for licensure after undergoing respecialization an applicant must demonstrate the following:
    - (A) conferral of a doctoral degree in psychology from a regionally accredited institution of higher education prior to undergoing respecialization;
    - (B) completion of a formal post-doctoral respecialization program in psychology which included at least 1,750 hours in a formal internship; and
    - (C) upon completion of the respecialization program, at least 1,750 hours of supervised experience obtained as a provisionally licensed psychologist



(or under provisional trainee status under prior versions of this rule).

- (2) An applicant meeting the requirements of this subsection is considered to have met the requirements for supervised experience under this rule.
- (g) Remedy for Incomplete Supervised Experience.
  - (1) An applicant who has completed at least 1,500 hours of supervised experience in a formal internship, 1,500 hours of supervised experience following conferral of a doctoral degree, and who does not meet all of the supervised experience qualifications for licensure set out in subsections (a), (c), and (d) of this section or §465.2 of this title, may petition for permission to remediate an area of deficiency. An applicant may not however, petition for the waiver or modification of the requisite doctoral degree or passage of the requisite examinations.
  - (2) The Council may allow an applicant to remediate a deficiency identified in paragraph (1) of this subsection if the applicant can demonstrate:
    - (A) the prerequisite is not mandated by federal law, the state constitution or statute, or 22 TAC Part 41; and
    - (B) the remediation would not adversely affect the public welfare.
  - (3) The Council may approve or deny a petition under this subsection, and in the case of approval, may condition the approval on reasonable terms and conditions designed to ensure the applicant's education, training, and experience provide reasonable assurance that the applicant has the knowledge and skills necessary for entry-level practice as a licensed psychologist.

*Adopted to be effective: October 7, 2020*

*Amended: March 2, 2022; March 7, 2023*

#### **463.12. Temporary License.**

- (a) A temporary license may be issued to an applicant seeking to practice in this state for a limited time and purpose. To be eligible for temporary licensure, an applicant must:
  - (1) submit a completed application for temporary licensure, setting forth a brief description of the type of psychological services to be provided;
  - (2) pay the application fee;
  - (3) submit proof that the applicant is actively licensed, certified, or registered as a psychologist or psychological associate by another jurisdiction having

- requirements substantially equal to those prescribed by the Psychologists' Licensing Act;
- (4) submit documentation indicating that the applicant is in good standing with that jurisdiction;
  - (5) be supervised (sponsorship) by a psychologist licensed in this state; and
  - (6) provide documentation that the applicant has passed the Examination for Professional Practice of Psychology at the Texas cut-off for the type of temporary license sought.
- (b) Substantial equivalency of another jurisdiction's requirements may be documented by the applicant providing a copy of the other jurisdiction's regulations with the pertinent sections highlighted to indicate training and exam requirements for a particular type of license. The material is then reviewed for substantial equivalency by the Council. An applicant need not demonstrate substantial equivalency if the applicant is licensed in a jurisdiction with which the Council has reciprocity.
- (c) Applicants for temporary licensure who hold a current Certificate of Professional Qualification in Psychology, status as a National Health Service Provider, or designation as a specialist from the American Board of Professional Psychology may have documentation from the credentialing entity sent directly to the Council as compliance with and in lieu of subsection (a)(3) and (6) of this section.
- (d) For a psychologist practicing under a temporary license issued pursuant to this rule, the supervision required by subsection (a)(5) of this section shall consist of sponsorship by a psychologist licensed in this state. The sponsoring psychologist must be available for consultation with the temporary licensee, but otherwise has no supervisory responsibility for the temporary license holder or the services provided under the temporary license.
- (e) Applicants meeting the requirements for temporary licensure shall be granted a temporary license authorizing the delivery of psychological services for no more than thirty days. Upon utilization of the full thirty days, or the expiration of one year from the date of licensure, whichever occurs first, the temporary license shall expire.
- (f) Upon utilization of the full thirty days, or the expiration of one year from the date of licensure, whichever occurs first, the temporary licensee must submit written notification to the Council of the dates the licensee delivered psychological services in this state.

- (g) Temporary licensees are subject to all applicable laws governing the practice of psychology in this state, including the Psychologists' Licensing Act and Council rules.
- (h) An applicant for permanent licensure in this state is not eligible for temporary licensure. Upon receipt of an application for permanent licensure by a temporary license holder, any temporary license held by an applicant shall expire without further action or notice by the Council.
- (i) A temporary license holder may not receive another temporary license until the expiration of one year from the date of issuance of their last temporary license, regardless of whether that license is active or expired.

*Adopted to be effective: October 7, 2020*

*Amended: March 7, 2023*

**463.13.     **Licensure by Reciprocity.**** An individual applying for licensure by reciprocity with this agency must meet each of the following criteria to be eligible for licensure by reciprocity:

- (1) Submit an application in the form prescribed by the Council and corresponding fee;
- (2) Submit verification that the applicant is actively licensed, certified, or registered in good standing in a jurisdiction with which Texas shares reciprocity;
- (3) Pass the jurisprudence examination; and
- (4) Submit any other documentation or information requested in the application or which the Council may deem necessary in order to ensure the public's safety when processing the application.

*Adopted to be effective: October 7, 2020*

**463.14.     **Remedy for Incomplete License Requirements.****

- (a) An applicant who does not meet all of the prerequisites for a particular license under Chapter 501, may petition the Council for a waiver or modification of the prerequisite(s). An applicant may not petition for the waiver or modification of the degree required for the particular license sought or passage of the requisite examinations.
- (b) The Council may waive or modify a prerequisite for obtaining a license under Chapter 501, subject to subsection (a) of this section, if:
  - (1) the prerequisite is not mandated by federal law, the state constitution or statute, or 22 TAC Part 41; and
  - (2) the failure or inability to meet the prerequisite was due to a disaster declared under Chapter 418 of the Government Code or under similar authority in another jurisdiction.

- (c) The Council may approve or deny a petition under this rule, and in the case of approval, may condition the approval on reasonable terms and conditions designed to ensure the applicant's education, training, and experience provide reasonable assurance that the applicant has the knowledge and skills necessary for entry-level practice under the license sought.

*Adopted to be effective: October 7, 2020*

**463.15. Criteria for Degrees Conferred Prior to 1979.**

- (a) For applicants for licensure as a psychologist with a doctoral degree conferred prior to January 1, 1979, the transcript must reflect a doctoral degree that designates a major in psychology or the substantial equivalent of a doctoral degree in psychology in both subject matter and extent of training. A doctoral degree will be considered the substantial equivalent to a doctoral degree in psychology if the training program meets the following criteria:
  - (1) Post-baccalaureate program in a regionally accredited institution of higher learning. The program must have a minimum of 90 semester hours, not more than 12 of which are credit for doctoral dissertation and not more than six of which are credit for master's thesis.
  - (2) The program, wherever it may be administratively housed, must be clearly identified and labeled. Such a program must specify in pertinent institutional catalogs and brochures its intent to educate and train professional psychologists.
  - (3) The program must stand as a recognizable, coherent organizational entity within the institution. A program may be within a larger administrative unit, e.g., department, area, or school.
  - (4) There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines. The program must have identifiable faculty and administrative heads who are psychologists responsible for the graduate program. Psychology faculty are individuals who are licensed or certified psychologists, or specialists of the American Board of Professional Psychology (ABPP), or hold a doctoral degree in psychology from a regionally accredited institution.
  - (5) The program must be an integrated, organized sequence of studies, e.g., there must be identifiable

curriculum tracks wherein course sequences are outlined for students.

- (6) The program must have an identifiable body of students who matriculated in the program.
- (7) The program must include supervised practicum, internship, field or laboratory training appropriate to the practice of psychology. The supervised field work or internship must have been a minimum of 1,500 supervised hours, obtained in not less than a 12 month period nor more than a 24 month period. Further, this requirement cannot have been obtained in more than two placements or agencies.
- (8) The curriculum shall encompass a minimum of two academic years of full-time graduate studies for those persons have enrolled in the doctoral degree program after completing the requirements for a master's degree. The curriculum shall encompass a minimum of four academic years of full-time graduate studies for those persons who have entered a doctoral program following the completion of a baccalaureate degree and prior to the awarding of a master's degree. It is recognized that educational institutions vary in their definitions of full-time graduate studies. It is also recognized that institutions vary in their definitions of residency requirements for the doctoral degree.
- (9) The following curricular requirements must be met and demonstrated through appropriate course work:
  - (A) Scientific and professional ethics related to the field of psychology.
  - (B) Research design and methodology, statistics.
  - (C) The applicant must demonstrate competence in each of the following substantive areas. The competence standard will be met by satisfactory completion at the B level of a minimum of six graduate semester hours in each of the four content areas. It is recognized that some doctoral programs have developed special competency examinations in lieu of requiring students to complete course work in all core areas. Graduates of such programs who have not completed the necessary semester hours in these core areas must submit to the Council evidence of competency in each of the four core areas.
    - (i) Biological basis of behavior: physiological psychology, comparative psychology,

- neuropsychology, sensation and perception, psycho-pharmacology.
    - (ii) Cognitive-affective basis of behavior: learning, thinking, motivation, emotion.
    - (iii) Social basis of behavior: social psychology, group processes, organizational and system theory.
    - (iv) Individual differences: personality theory, human development, abnormal psychology.
  - (10) All educational programs which train persons who wish to be identified as psychologists will include course requirements in specialty areas. The applicant must demonstrate a minimum of 24 hours in his/her designated specialty area.
- (b) Any person intending to apply for licensure under the substantial equivalence clause must file with the Council an affidavit showing:
  - (1) Courses meeting each of the requirements noted in subsection (a) of this rule verified by official transcripts; and
  - (2) Appropriate, published information from the university awarding the degree, demonstrating that the requirements noted in subsection (a) of this rule have been met.

*Adopted to be effective: March 7, 2023*

## **Subchapter C. Licensing Provisions Related to Military Service Members, Veterans, and Military Spouses.**

### **463.20. Special Provisions Applying to Military Service Members, Veterans and Spouses.**

- (a) Substantial Equivalency Determination. In accordance with §55.004 of the Occupations Code, the licensing requirements for a license to practice psychology in another jurisdiction will be considered substantially equivalent to Texas' requirements if the other jurisdiction's requirements meet or exceed the following criteria:
  - (1) Licensed Specialist in School Psychology.
    - (A) The completion of a training program in school psychology that has been approved or accredited by the American Psychological Association or the National Association of School Psychologists, or completion of a master's degree in psychology

- with specific course work similar to the coursework required in the Council's rules; and
- (B) Passage of the School Psychology Examination.
- (2) Licensed Psychological Associate.
  - (A) A graduate degree that is primarily psychological in nature and consisting of at least 42 semester credit hours in total with at least 27 semester credit hours in psychology courses;
  - (B) Passage of the EPPP at the Texas cut-off score; and
  - (C) A minimum of 6 semester credit hours of practicum, internship, or experience in psychology, under the supervision of a licensed psychologist.
- (3) Licensed Psychologist.
  - (A) A doctoral degree in psychology;
  - (B) Passage of the EPPP at the Texas cut-off score; and
  - (C) A minimum of two years or 3,000 hours of supervised experience under a licensed psychologist.
- (b) In accordance with §55.007 of the Occupations Code, an applicant who is a military service member or military veteran, as defined by Chapter 55, Occupations Code, shall receive credit toward the following licensing requirements for verified military service, training, or education:
  - (1) Licensed Specialist in School Psychology. A military service member or military veteran who has delivered psychological services within the military for at least one year is considered to have met the following requirements for this type of license: a practicum and 600 internship hours.
  - (2) Licensed Psychological Associate. A military service member or military veteran who has delivered psychological services within the military for at least one year is considered to have met the following requirements for this type of license: 6 semester credit hours of supervised experience.
  - (3) Licensed Psychologist. A military service member or military veteran who has delivered psychological services within the military for at least one year, following conferral of a doctoral degree, is considered to have met the following requirements for this type of license: one year or 1,750 hours of supervised experience.

- (c) A military service member or military veteran may not receive credit toward licensing requirements due to military service, training, or education if they hold a license issued by another jurisdiction that has been restricted, or they have a disqualifying criminal history.

*Adopted to be effective: October 7, 2020*

## **Subchapter E. Examinations.**

### **463.30. Examinations Required for Licensure.**

- (a) Jurisprudence Examination. All applicants for licensure are required to pass the Jurisprudence Examination prior to the Council granting a license.
- (b) School Psychology Examination. Applicants for licensure as a specialist in school psychology shall take the School Psychology Examination administered by the Educational Testing Service before applying for licensure as a specialist in school psychology.
- (c) Examination for Professional Practice in Psychology (EPPP). All applicants for licensure as a psychological associate or psychologist are required to pass the EPPP prior to the Council granting a license. An applicant who has taken the EPPP either in the past or in another jurisdiction will not be required to retake the exam provided the applicant's score satisfies the Council's current minimum acceptable score for licensure.

*Adopted to be effective: October 7, 2020*

### **463.31. Minimum Passing Scores for Examinations.**

- (a) Cut-off Scores for the Examination for Professional Practice in Psychology. The minimum acceptable score for the Examination for Professional Practice in Psychology is 500 for computer based examinations and seventy percent (70%) for paper based versions of the test.
- (b) Cut-off Scores for the School Psychology Examination. The minimum acceptable score for the School Psychology Examination is the same as the current cut-off score for the Nationally Certified School Psychologist credential.
- (c) Cut-off Scores for the Jurisprudence Examination. The minimum acceptable score for the Jurisprudence Examination for all applicants is eighty-five (85%).

*Adopted to be effective: October 7, 2020*

*Amended: March 15, 2025*



## **Subchapter F. Professional Development.**

### **463.35. Requirements for Professional Development.**

- (a) Minimum Professional Development Hours Required:
  - (1) A licensee must complete 40 hours of professional development during each renewal period that they hold a license. The 40 hours of professional development must include 6 hours in ethics and 6 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.
  - (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) Acceptable ethics hours include, but are not limited to professional development on:
  - (1) state or federal laws, including agency rules, relevant to the practice of psychology;
  - (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.
- (c) Acceptable Professional Development Activities:
  - (1) All professional development 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 psychology;
  - (2) The Council shall make the determination as to whether the activity claimed by the licensee is directly related to the practice of psychology;
  - (3) Except for hours claimed under subsection (g), all professional development 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 professional development activity may not be claimed for the same renewal period.
- (d) Licensees must obtain at least fifty percent of their professional development 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 hospital or hospital system, including any clinic, division, or department within a hospital or hospital system; or
  - (7) any provider approved or endorsed by a provider listed herein.
- (e) Licensees shall receive credit for professional development 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 professional development activity.
- (f) Notwithstanding subsection (e) above, licensees may claim professional development credit for each of the following activities:
  - (1) Passage of the jurisprudence examination. Licensees who pass the jurisprudence examination may claim 1 hour of professional development in ethics.
  - (2) Preparing and giving a presentation at a professional development activity. The maximum number of hours that may be claimed for this activity is 5 hours.
  - (3) Authoring a book or peer reviewed article. The maximum number of hours that may be claimed for this activity is 5 hours.
  - (4) Teaching or attending a graduate level course. The maximum number of hours that may be claimed for this activity is 5 hours.

- (5) Self-study. The maximum number of hours that may be claimed for this activity is 1 hour.
- (6) 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 professional development credit.
- (7) Providing supervision to supervisees delivering psychological services to individuals residing in a rural mental health discipline Health Professional Shortage Area (HPSA) identified by the U.S. Health Resources & Services Administration (HRSA). The maximum number of hours that may be claimed for this activity is 20 and hours claimed may not be counted toward the ethics or distinct population.
- (g) The Council does not pre-evaluate or pre-approve professional development providers or hours.
- (h) Licensees shall maintain proof of professional development compliance for a minimum of 3 years after the applicable renewal period.

*Adopted to be effective: March 7, 2023*

*Amended: July 20, 2025*

## **Subchapter G. Criminal History and License Eligibility.**

**463.40. Licensing of Persons with Criminal Convictions.** The following felonies and misdemeanors directly relate to the duties and responsibilities of a licensee:

- (1) offenses listed in Article 42A.054 of the Code of Criminal Procedure;
- (2) a sexually violent offense, as defined by Article 62.001 of the Code of Criminal Procedure;
- (3) any felony offense wherein the judgment reflects an affirmative finding regarding the use or exhibition of a deadly weapon;
- (4) any criminal violation of Chapter 501 (Psychologists Licensing Act) of the Occupations Code;
- (5) any criminal violation of Chapter 35 (Insurance Fraud) or Chapter 35A (Medicaid Fraud) of the Penal Code;
- (6) any criminal violation involving a federal health care program, including 42 USC §1320a-7b (Criminal penalties for acts involving Federal health care programs);
- (7) any offense involving the failure to report abuse or neglect;

- (8) any state or federal offense not otherwise listed herein, committed by a licensee while engaged in the practice of psychology;
- (9) any criminal violation of §22.041 (abandoning or endangering a child) of the Penal Code;
- (10) any criminal violation of §21.15 (invasive visual recording) of the Penal Code;
- (11) any criminal violation of §43.26 (possession of child pornography) of the Penal Code;
- (12) any criminal violation of §22.04 (injury to a child, elderly individual, or disable individual) of the Penal Code;
- (13) three or more drug or alcohol related convictions within the last 10 years, evidencing possible addiction that will have an effect on the licensee's ability to provide competent services; and
- (14) any attempt, solicitation, or conspiracy to commit an offense listed herein.

*Adopted to be effective: October 7, 2020*

*Amended: June 1, 2021*

# RULES OF PRACTICE

**465.1. Definitions.** The following terms have the following meanings:

- (1) "Adoption evaluation" has the same meaning as assigned by §107.151 of the Family Code.
- (2) "Child custody evaluation" has the same meaning as assigned by §107.101 of the Family Code.
- (3) "Client" means a party other than a patient seeking or obtaining psychological services, as defined in §501.003 of the Occupations Code, for a third-party with the goal of assisting or caring for that third-party or answering a referral question through the use of forensic psychological services.
- (4) "Dual Relationship" means a situation where a licensee and another individual have both a professional relationship and a non-professional relationship. Dual relationships include, but are not limited to, personal friendships, business or financial interactions, mutual club or social group activities, family or marital ties, or sexual relationships.
- (5) "Forensic evaluation" is an evaluation conducted, not for the purpose of providing mental health treatment, but rather at the request of a court, a federal, state, or local governmental entity, an attorney, or an administrative body including federal and private disability benefits providers to assist in addressing a forensic referral question.
- (6) "Forensic psychological services" are services involving courts, legal claims, or the legal system. The provision of forensic psychological services includes any and all preliminary and exploratory services, testing, assessments, evaluations, interviews, examinations, depositions, oral or written reports, live or recorded testimony, or any psychological service provided by a licensee concerning a current or potential legal case at the request of a party or potential party, an attorney for a party, or a court, or any other individual or entity, regardless of whether the licensee ultimately provides a report or testimony that is utilized in a legal proceeding. However, forensic psychological services do not include evaluations, proceedings, or hearings under the Individuals with Disabilities Education Improvement Act (IDEIA).
- (7) "Informed Consent" means the written documented consent of the patient, client and other recipients of

psychological services only after the patient, client or other recipient has been made aware of the purpose and nature of the services to be provided, including but not limited to: the specific goals of the services; the procedures to be utilized to deliver the services; possible side effects of the services, if applicable; alternate choices to the services, if applicable; the possible duration of the services; the confidentiality of and relevant limits thereto; all financial policies, including the cost and methods of payment; and any provisions for cancellation of and payments for missed appointments; and right of access of the patient, client or other recipient to the records of the services.

- (8) "Licensee" means a licensed psychologist, provisionally licensed psychologist, licensed psychological associate, licensed specialist in school psychology, applicants, and any other individual subject to the regulatory authority of the Council.
- (9) "Patient" means a person who receives psychological services, as defined in §501.003 of the Occupations Code, regardless of whether the patient or a third-party pays for the services. The term "patient" shall include a client if the client is a person listed in §611.004(a)(4) or (5) of the Health and Safety Code who is acting on a patient's behalf. A person who is the subject of a forensic evaluation is not considered to be a patient under these rules.
- (10) "Private school" has the same meaning as assigned by §5.001 of the Texas Education Code, but does not include a parent or legal guardian who chooses to homeschool a child.
- (11) "Professional relationship" means a fiduciary relationship between a licensee and a patient or client involving communications and records deemed confidential under §611.002 of the Health and Safety Code. A professional relationship also exists where licensees are appointed by a court or other governmental body to answer a referral question through the use of forensic psychological services.
- (12) "Provision of psychological services" means any use by a licensee of education or training in psychology in the context of a professional relationship. Psychological services include, but are not limited to, therapy, diagnosis, testing, assessments, evaluation, treatment, counseling, supervision, consultation, providing forensic opinions, rendering a professional opinion, or

- performing research, or teaching to an individual, group, or organization.
- (13) "Public school" means any state agency, regional education service center, diploma program, school district, or charter school established or authorized under Title 2 of the Texas Education Code and supported in whole or in part by state tax funds.
  - (14) "Recognized member of the clergy," as used in §501.004(a)(4) of the Occupations Code, means a member in good standing of and accountable to a denomination, church, sect or religious organization recognized under the Internal Revenue Code, §501(c)(3).
  - (15) "Records" are any information, regardless of the format in which it is maintained, that can be used to document the delivery, progress or results of any psychological services including, but not limited to, data identifying a recipient of services, dates of services, types of services, informed consents, fees and fee schedules, assessments, treatment plans, consultations, session notes, reports, release forms obtained from a client or patient or any other individual or entity, and records concerning a patient or client obtained by the licensee from other sources.
  - (16) "Report" includes any written or oral assessment, recommendation, psychological diagnostic or evaluative statement containing the professional judgment or opinion of a licensee.
  - (17) "Supervision" refers to direct, systematic professional oversight of individuals who provide psychological services under the authority of a supervising licensee, whereby the supervisor has the responsibility and ability to monitor and control the psychological services provided to ensure the patient's or client's best interests are met and that the public is protected. In the context of psychological training and education, "supervision" also refers to the formal provision of systematic education and training for purposes of licensure or competency that serves to assist individuals with gaining experience and developing the skills necessary for licensure or competent practice in a particular practice area. However, the term "supervision" does not apply to the supervision of purely administrative or employment matters.
  - (18) "Test data" refers to a patient's specific answers to test materials, whether spoken or written, generated in

drawings, or recorded by computers or other lab devices.

- (19) "Test materials" refers to test booklets, forms, manuals, instruments, protocols, software, as well as test questions, and stimuli protected by federal copyright law and used in psychological testing to generate test results and test reports.

*Adopted to be effective: October 7, 2020*

*Amended: June 1, 2021*

#### **465.2. Supervision.**

- (a) Supervision in General. The following rules apply to all supervisory relationships.
  - (1) Licensee is responsible for the supervision of all individuals that the licensee employs or utilizes to provide psychological services of any kind.
  - (2) Licensees shall ensure that their supervisees have legal authority to provide psychological services.
  - (3) Licensees may delegate only those responsibilities that supervisees may legally and competently perform.
  - (4) All individuals who receive psychological services requiring informed consent from an individual under supervision must be informed in writing of the supervisory status of the individual and how the patient or client may contact the supervising licensee directly.
  - (5) All materials relating to the practice of psychology, upon which the supervisee's name or signature appears, must indicate the supervisory status of the supervisee. Supervisory status must be indicated by one of the following:
    - (A) Supervised by (name of supervising licensee);
    - (B) Under the supervision of (name of supervising licensee);
    - (C) The following persons are under the supervision of (name of supervising licensee); or
    - (D) Supervisee of (name of supervising licensee).
  - (6) Licensees shall provide an adequate level of supervision to all individuals under their supervision according to accepted professional standards given the experience, skill and training of the supervisee, the availability of other qualified licensees for consultation, and the type of psychological services being provided.
  - (7) Licensees shall utilize methods of supervision that enable the licensee to monitor all delegated services for legal, competent, and ethical performance. No more



than fifty percent of the supervision may take place through remote or electronic means. Licensees may exceed fifty percent remote or electronic supervision if supervision is provided through synchronous audiovisual means.

- (8) Licensees must be competent to perform any psychological services being provided under their supervision.
  - (9) Licensees shall document their supervision activities in writing, including any remote or electronic supervision provided. Documentation shall include the dates, times, and length of supervision.
  - (10) Licensees may only supervise the number of supervisees for which they can provide adequate supervision.
  - (11) A supervisor shall establish a plan for the custody and control of the records of supervision for each supervisee in the event of the supervisor's death or incapacity, or the termination of the supervisor's practice.
  - (12) Licensees receiving supervision who are informed of a pending complaint must notify their supervisors of the complaint.
  - (13) Supervisors who identify deficits in a supervisee's skills or competencies necessary for safe or entry-level independent practice must immediately develop and implement a written remediation plan to address those deficiencies. If the supervisee changes supervisors during the supervision period, the supervisee must provide the new supervisor with a copy of the remediation plan.
- (b) Supervision of Students, Interns, Residents, Fellows, and Trainees. The following rules apply to all supervisory relationships involving students, interns, residents, fellows, and trainees.
- (1) Unlicensed individuals providing psychological services pursuant to §§501.004(a)(2), 501.2525(a)(2)(A), or 501.260(b)(3) of the Occupations Code must be under the supervision of a qualified supervising licensee at all times.
  - (2) Supervision must be provided by a qualified supervising licensee before it will be accepted for licensure purposes.
  - (3) A licensee practicing under a restricted status license is not qualified to, and shall not provide supervision for a person seeking to fulfill internship or practicum

requirements or a person seeking licensure under the Psychologists' Licensing Act, regardless of the setting in which the supervision takes place, unless authorized to do so by the Council. A licensee shall inform all supervisees of any disciplinary order restricting the licensee's license and assist the supervisees with finding appropriate alternate supervision.

- (4) A supervisor must document in writing a supervisee's performance during a practicum, internship, or period of supervised experience required for licensure. The supervisor must provide this documentation to the supervisee.
  - (5) A supervisor may allow a supervisee, as part of a required practicum, internship, or period of supervised experience required for licensure under Chapter 501, to supervise others in the delivery of psychological services.
  - (6) Licensees may not supervise an individual to whom they are related within the second degree of affinity or consanguinity.
- (c) Supervision of Provisionally Licensed Psychologists and Licensed Psychological Associates. The following rules apply to all supervisory relationships involving Provisionally Licensed Psychologists and Licensed Psychological Associates.
- (1) Provisionally Licensed Psychologists must be under the supervision of a Licensed Psychologist and may not engage in independent practice unless the provisional licensee is licensed in another state to independently practice psychology and is in good standing in that state.
  - (2) A Provisionally Licensed Psychologist may, as part of a period of supervised experience required for licensure as a psychologist, supervise others in the delivery of psychological services.
  - (3) A supervisor must provide at least one hour of individual supervision per week. A supervisor may reduce the amount of weekly supervision on a proportional basis for supervisees working less than full-time.
- (d) Supervision of Licensed Specialists in School Psychology interns and other individuals authorized by §463.9(g)(1) of this title. The following rules apply to all supervisory relationships involving Licensed Specialists in School Psychology, as well as all interns and other individuals

authorized by §463.9(g)(1) of this title, working toward licensure as a specialist in school psychology.

- (1) Supervision within the public schools may only be provided by a Licensed Specialist in School Psychology who has a minimum of 3 years of experience providing psychological services within the public school system without supervision. To qualify, a licensee must be able to show proof of their license, credential, or authority to provide unsupervised school psychological services in the jurisdiction where those services were provided, along with documentation from the public school(s) evidencing delivery of those services.
- (2) Supervisors must sign educational documents completed for students by the supervisee, including student evaluation reports, or similar professional reports to consumers, other professionals, or other audiences. It is not a violation of this rule if supervisors do not sign documents completed by a committee reflecting the deliberations of an educational meeting for an individual student which the supervisee attended and participated in as part of the legal proceedings required by federal and state education laws, unless the supervisor also attended and participated in such meeting.
- (3) Supervisors shall document all supervision sessions. This documentation must include information about the duration of sessions, as well as the focus of discussion or training. The documentation must also include information regarding:
  - (A) any contracts or service agreements between the public school district and university school psychology training program;
  - (B) any contracts or service agreements between the public school district and the supervisee;
  - (C) any training logs required by the school psychology training program; and
  - (D) the supervisee's licensure status or legal authority to provide psychological services.
- (4) Supervisors must ensure that each individual completing any portion of the internship required for licensure as an LSSP, is provided with a written agreement that includes a clear statement of the expectations, duties, and responsibilities of each party, including the total hours to be performed by the intern, benefits and support to be provided by the

supervisor, and the process by which the intern will be supervised and evaluated.

- (5) Supervisors must ensure that supervisees have access to a process for addressing serious concerns regarding a supervisee's performance. The process must protect the rights of clients to receive quality services, assure adequate feedback and opportunities for improvement to the supervisee, and ensure due process protection in cases of possible termination of the supervisory relationship.

- (e) The various parts of this rule should be construed, if possible, so that effect is given to each part. However, where a general provision conflicts with a more specific provision, the specific provision shall control.

*Adopted to be effective: October 7, 2020*

*Amended: June 1, 2021; September 19, 2021; November 9, 2025*

#### **465.4. Employment of Individuals Not Licensed by the Council.**

- (a) Individuals Licensed in Another Profession. Psychologists may employ or utilize individuals who are licensed members of another profession to provide only activities or services permitted by the applicable license or licenses held by that individual. In addition, a person licensed under Chapter 501 may supervise a licensed member of another profession to the extent permissible by the other profession's statute and regulations. Any service provided by the licensed member of another profession may not be described or represented to the patient or client as psychological services, and the individual must be clearly identified to the patient or client as a licensee of the applicable profession who is providing services pursuant to that individual's own license.
- (b) Unlicensed Individuals. Psychologists may employ unlicensed individuals only to perform services which do not constitute the practice of psychology or the activities and services of another licensed profession. Permissible duties include:
  - (1) Secretarial and clerical duties such as scheduling appointments or processing insurance forms;
  - (2) Data gathering, such as administering, proctoring, or scoring non-projective tests, obtaining histories or obtaining documentation for record keeping purposes, provided that it does not require psychological education or involve the provision of psychological services; and
  - (3) Technical, educational, or other duties that are adjunctive to and incorporated into the provision of

psychological services such as providing educational information or assisting a client's work with a computer, special equipment or special materials, provided that the duties do not require psychological education or involve the provision of psychological services or the services or activities of another licensed profession.

*Adopted to be effective: October 7, 2020*

**465.6. Solicitation, Use of Titles, and Business Names.**

- (a) Solicitation of Testimonials and/or Patients.
  - (1) Licensees do not solicit testimonials from current clients or patients or from other persons who are vulnerable to undue influence.
  - (2) Licensees do not engage, directly or through agents, in uninvited in-person solicitation of business from actual or potential patients or clients.
- (b) Use of Titles.
  - (1) An individual may not use the title of "Licensed Psychologist" unless the individual is licensed as such by this agency.
  - (2) An individual may not use the title of "Psychologist" when engaged in the practice of psychology, unless the individual is licensed as such by this agency.
  - (3) A licensed psychologist may not use a specialty title unless one or more of the following criteria have been met:
    - (A) the individual holds a doctorate in the area of specialization;
    - (B) the individual has undergone retraining under the American Psychological Association retraining guidelines in effect at the time of specialization;
    - (C) the individual has completed a two-year postdoctoral fellowship in the area of specialization;
    - (D) for individuals who matriculated from a doctoral program in psychology prior to 1978, documentation of academic coursework and relevant applied experience, as well as proof that the title has been used for at least five years; or
    - (E) documentation of certification, approval, or specialist status granted by a professional, refereed board, provided that the licensee indicates the name of the board which granted the title and that the individual's status with the

specialty board is current and in good standing. Use of the term "Board Certified" or "Board Approved" or any similar words or phrases calculated to convey the same meaning shall constitute misleading or deceptive advertising, unless the licensee discloses the complete name of the specialty board that conferred the aforementioned specialty title, certification, approval or specialist status.

- (c) Assumed Names and Legal Entities. Licensees engaged in the practice of psychology under an assumed name or through a legal entity must comply with the name and notification requirements set out in the Assumed Business and Professional Name Act found in Chapter 71 of the Texas Business and Commerce Code and §5.060 of the Texas Business Organizations Code.

*Adopted to be effective: October 7, 2020*

**465.8. Psychological Services Are Provided within a Defined Relationship.** Licensees provide psychological services only in the context of a defined professional relationship.

*Adopted to be effective: October 7, 2020*

**465.9. Competency.**

- (a) Licensees provide only services for which they have the education, skills, and training to perform competently.
- (b) Competency includes the ability to provide services concerning a specific individual that takes into account characteristics of that individual including age, gender, ethnicity, national origin, disability, language, and socio-economic status.
- (c) Licensees maintain current knowledge of scientific and professional information that ensures competency in every area in which they provide services.
- (d) Licensees provide services in an unfamiliar area or involving new techniques only after first undertaking appropriate study and training, including supervision, and/or consultation from a professional competent to provide such services.
- (e) In emerging areas in which generally recognized standards for preparatory training do not exist, licensees take reasonable steps to ensure the competence of their work and to protect patients, clients, research participants, and other affected individuals from the potential for harm.

- (f) Licensees are responsible for ensuring that all individuals practicing under their supervision are competent to perform those services.
- (g) Licensees who delegate performance of certain services such as test scoring are responsible for ensuring that the entity to whom the delegation is made is competent to perform those services.
- (h) Licensees who lack the competency to provide particular psychological services to a specific individual must withdraw and refer the individual to an appropriate service provider.
- (i) Emergency Situations. In emergencies, when licensees are asked to provide services to individuals for whom appropriate mental health services are not available and for which the licensee has not obtained the necessary competence, licensees may provide such services until the emergency has abated or to the extent necessary to ensure that services are not denied. If ongoing services are provided, licensees must comply with subsection (d) of this section, as soon as practicable or refer the patient to an appropriate service provider.
- (j) Licensees refrain from initiating or continuing to undertake an activity when they know or should know that there is a substantial likelihood that personal problems or conflicts will prevent them from performing their work-related activities or producing a psychological report in a competent and timely manner. When licensees become aware of such conflicts, they must immediately take appropriate measures, such as obtaining professional consultation or assistance in order to determine whether they should limit, suspend, or terminate the engagement in accordance with §465.21 of this title (relating to Termination of Services).

*Adopted to be effective: October 7, 2020*

**465.10. Basis for Scientific and Professional Judgments.** Licensees rely on scientifically and professionally derived knowledge when making professional judgments.

*Adopted to be effective: October 7, 2020*

**465.11. Informed Consent.**

- (a) Except in an inpatient setting where a general consent has been signed, licensees must obtain and document in writing informed consent concerning all services they intend to provide to the patient, client or other recipient(s) of the psychological services prior to initiating the services, using language that is reasonably understandable to the recipients

unless consent is precluded by applicable federal or state law.

- (b) Licensees provide appropriate information as needed during the course of the services about changes in the nature of the services to the patient client or other recipient(s) of the services using language that is reasonably understandable to the recipient to ensure informed consent.
- (c) Licensees provide appropriate information as needed, during the course of the services to the patient client and other recipient(s) and afterward if requested, to explain the results and conclusions reached concerning the services using language that is reasonably understandable to the recipient(s).
- (d) When a licensee agrees to provide services to a person, group or organization at the request of a third party, the licensee clarifies to all of the parties the nature of the relationship between the licensee and each party at the outset of the service and at any time during the services that the circumstances change. This clarification includes the role of the licensee with each party, the probable uses of the services and the results of the services, and all potential limits to the confidentiality between the recipient(s) of the services and the licensee.
- (e) When a licensee agrees to provide services to several persons who have a relationship, such as spouses, couples, parents and children, or in group therapy, the licensee clarifies at the outset the professional relationship between the licensee and each of the individuals involved, including the probable use of the services and information obtained, confidentiality, expectations of each participant, and the access of each participant to records generated in the course of the services.
- (f) At any time that a licensee knows or should know that the licensee may be called on to perform potentially conflicting roles (such as marital counselor to husband and wife, and then witness for one party in a divorce proceeding), the licensee explains the potential conflict to all affected parties and adjusts or withdraws from all professional services in accordance with Council rules and applicable state and federal law. Further, licensees who encounter personal problems or conflicts as described in rule §465.9(j) of this title (relating to Competency) that will prevent them from performing their work-related activities in a competent and timely manner must inform their clients of the personal problem or conflict and discuss appropriate termination and referral to insure that the services are completed in a timely manner.



- (g) When persons are legally incapable of giving informed consent, licensees obtain informed consent from any individual legally designated to provide substitute consent.
- (h) When informed consent is precluded by law, the licensee describes the nature and purpose of all services, as well as the confidentiality of the services and all applicable limits thereto, that the licensee intends to provide to the patient, client, or other recipient(s) of the psychological services prior to initiating the services using language that is reasonably understandable to the recipient(s).

*Adopted to be effective: October 7, 2020*

**465.12. Privacy and Confidentiality.**

- (a) Licensees utilize business practices and provide services in a manner that safeguards the privacy and confidentiality of patients and clients.
- (b) Licensees must inform their patients or clients about confidentiality and foreseeable limitations on confidentiality created by existing and reasonably foreseeable circumstances prior to the commencement of services as part of the informed consent process.
- (c) Licensees keep patients and clients informed of all changes in circumstances affecting confidentiality as they arise.
- (d) Licensees comply with Chapter 611 of the Texas Health and Safety Code and all other state and federal law applicable to patient or client confidentiality.
- (e) Licensees disclose confidential information without the consent of a patient or client only in compliance with applicable state and federal law.
- (f) Licensees who release confidential records relating to a patient or client that also contain confidential information relating to a second patient or client that the licensee obtained through the provision of services to that second individual, and who lack consent or other legal authority to disclose the second individual's identity or records, must remove all identifying and confidential information relating to the second individual before releasing the records.
- (g) Licensees may share information for consultation purposes without a consent only to the extent necessary to achieve the purposes of the consultation. Licensees shall exclude information that could lead to the identification of the patient or client.
- (h) Licensees shall not require a patient or client to waive a legal right to confidentiality as a condition of providing services.

- (i) Licensees include in written and oral reports and consultations, only information germane to the purpose for which the communication is made.

*Adopted to be effective: October 7, 2020*

**465.13. Personal Problems, Conflicts and Dual Relationship.**

- (a) In General.
  - (1) Licensees shall refrain from providing services when they know or should know that their personal problems or a lack of objectivity are likely to impair their competency or harm a patient, client, colleague, student, supervisee, research participant, or other person with whom they have a professional relationship.
  - (2) Licensees shall seek professional assistance for any personal problems, including alcohol or substance abuse likely to impair their competency.
  - (3) Licensees shall not exploit persons over whom they have supervisory evaluative, or other authority such as students, supervisees, employees, research participants, and clients or patients.
  - (4) A licensee shall conduct the practice of psychology with the best interest of a patient, client, supervisee, student, or research participant in mind.
- (b) Dual Relationships.
  - (1) A licensee shall refrain from entering into a dual relationship with a client, patient, supervisee, student, group, organization, or any other party if such a relationship is likely to impair the licensee's objectivity, prevent the licensee from providing competent psychological services, or exploit or otherwise cause harm to the other party.
  - (2) A licensee shall refrain from entering into a professional relationship where personal, financial, or other relationships are likely to impair the licensee's objectivity or pose an unreasonable risk of harm to a patient or client.
  - (3) Licensees shall withdraw from any professional or non-professional relationship if they would be precluded from entering the relationship under this rule. If a licensee has reason to believe that a harmful dual relationship exists or may arise, the licensee shall take reasonable steps to ensure the wellbeing and best interest of the affected person is placed ahead of the licensee's interests. Reasonable steps include obtaining professional consultation or assistance, to

determine whether the existing or potential dual relationship is likely to impair the licensee's objectivity or cause harm to the other party.

- (4) Licensees do not provide psychological services to a person with whom they have had a sexual relationship.
- (5) Licensees do not terminate psychological services with a person in order to have a sexual relationship with that person. Licensees do not terminate psychological services with a person in order to have a sexual relationship with individuals who the licensee knows to be the parents, guardians, spouses, significant others, children, or siblings of the client.

*Adopted to be effective: October 7, 2020*

*Amended: February 27, 2022*

#### **465.14. Misuse of Licensee Services.**

- (a) Licensees decline to offer services when limitations or conditions are placed on their work by the patient, client, or third parties which could foreseeably cause the licensee to violate a Council rule.
- (b) If licensees become aware of misuse or misrepresentation of their services or the results of their services, they take reasonable steps to correct or minimize the misuse or misrepresentation.

*Adopted to be effective: October 7, 2020*

#### **465.15. Fees and Financial Arrangements.**

- (a) General Requirements.
  - (1) Before the provision of any services, the licensee and the recipient of psychological services reach an agreement specifying the compensation and billing arrangements.
  - (2) If services are not paid for as agreed, the licensee shall not utilize a collection agency or legal measures to collect any unpaid fees unless the licensee has provided the affected party with at least 30 days written notice, separate and apart from any notice provided as part of the informed consent process, that such measures will be taken and the party has been provided with a reasonable opportunity to make prompt payment.
  - (3) Licensees shall not withhold records solely because payment has not been received unless specifically permitted by law.

- (4) In reporting their services to third-party payers, licensees accurately state the nature, date and fees for the services provided.
- (b) Ethical and Legal Requirements.
  - (1) Licensees do not engage in fraudulent billing.
  - (2) Licensees do not misrepresent their fees.
  - (3) Licensees do not overcharge or otherwise exploit recipients of services or payers with respect to fees.
  - (4) Licensees do not receive payments from or divide fees with another health care provider in exchange for professional referrals.
  - (5) A licensee does not participate in bartering if it is clinically contra-indicated or if bartering has the potential to create an exploitative or harmful dual relationship.

*Adopted to be effective: October 7, 2020*

**465.16. Evaluation, Assessment, Testing, and Reports.**

- (a) Scope and Purpose.
  - (1) Licensees clearly describe the scope and purpose of evaluation, assessment, and testing to patients before they provide these psychological services.
  - (2) Licensees produce reports that clearly state and accurately reflect the scope and purpose of evaluation, assessment, and testing.
- (b) Reliability and Validity.
  - (1) Licensees verify, by signature and date, that every evaluation, assessment, test result, report, recommendation, or psychological diagnostic or evaluative statement produced is based on information and techniques sufficient to provide appropriate substantiation for its findings.
  - (2) Licensees administer, score, interpret or use assessment techniques or tests only if they are familiar with the reliability, validation and related standardization or outcome studies of, and proper applications and use of, the techniques they use.
  - (3) Licensees who administer, score, interpret or utilize psychological assessment techniques, tests or instruments do so in a manner and for purposes for which there are professional or scientific bases.
  - (4) Licensees do not base their assessment or intervention decisions or recommendations on data or test results that are outdated for the current purpose.

- (5) Licensees do not base decisions or recommendations on tests and measures that are obsolete or not useful for the current purpose.
- (c) Limitations.
  - (1) Licensees include all information that provides the basis for their findings in any report in which they make findings or diagnoses about an individual.
  - (2) Licensees identify limits to the certainty with which diagnoses, judgments, or predictions can be made about individuals.
  - (3) Licensees identify various test factors and characteristics of the person being assessed that might affect their professional judgment or reduce the accuracy of their interpretations when interpreting assessment results, including automated interpretations.
  - (4) Licensees include any significant reservations they have about the accuracy or limitations of their interpretations or findings in any report they produce.
  - (5) Licensees provide opinions of the psychological characteristics of individuals only after they have conducted an examination of the individuals adequate to support their statements or conclusions. When such an examination is not practical, licensees document the efforts they made to obtain such an examination and clarify the probable impact of their limited information to the reliability and validity of their conclusions.
  - (6) Licensees must meet any education, training, or licensure requirements established by a test publisher for the purchase or use of its test materials. It is presumed that a licensee meets any such requirements if a test publisher or other authorized vendor, sells test materials to a licensee. Any false or misleading representation by a licensee regarding the individual's qualifications will negate this presumption.
- (d) Test Security and Validity. Licensees conduct testing and maintain and release test protocols and data in a secure manner that does not compromise the validity of the test.
- (e) Production of Reports.
  - (1) Licensees shall provide the patient, client, or subject of the evaluation with an estimate of the time needed to produce a report prior to conducting any evaluation, assessment, or testing.

- (2) Licensees shall produce a report within a reasonable time period following completion of the evaluation, assessment, or testing needed to substantiate the report.
- (3) Licensees shall notify a patient, client, or subject of the evaluation if a report cannot be produced within the original estimated time period and provide a new production date together with a reasonable explanation for why the report will be delayed.

*Adopted to be effective: October 7, 2020*

#### **465.17. Therapy and Counseling.**

- (a) Imbalances of Power.
  - (1) Licensees who engage in therapy or counseling recognize the actual or perceived power or undue influence they hold over current and former patients and clients.
  - (2) Licensees are presumed to have power and influence over former therapy or counseling patients or clients.
  - (3) Licensees do not engage in sexual relationships with, employ, enter into business with or otherwise exploit any former patient or client over whom they have actual or perceived power or undue influence created through a therapeutic relationship.
- (b) Treatment plans.
  - (1) Licensees create specific written treatment plans that include, at a minimum, agreed upon goals of the treatment, the techniques to be used, and the tentative duration of the treatment for any therapy or counseling that they provide.
  - (2) Licensees explain the treatment plan to all recipients of the therapy or counseling before commencing the services.
  - (3) Licensees alter and document the alteration in the treatment plan when clinically indicated.
  - (4) Licensees confer with and obtain consent from the patient, client, or other recipient(s) of services concerning significant alterations in the treatment plan.

*Adopted to be effective: October 7, 2020*

#### **465.18. Forensic Services.**

- (a) In General.
  - (1) A licensee who provides services concerning a matter which the licensee knows or should know will be utilized in a legal proceeding, such as a divorce, child

custody determination, fitness for duty evaluation for high risk personnel, disability claim, or risk assessment evaluations of employees, must comply with all applicable Council rules concerning forensic services regardless of whether the licensee is acting as a factual witness or an expert.

- (2) Licensees who engage in forensic services must have demonstrated appropriate knowledge of and competence in all underlying areas of psychology about which they provide such services.
  - (3) All forensic opinions, reports, assessments, and recommendations rendered by a licensee must be based on information and techniques sufficient to provide appropriate substantiation for each finding.
  - (4) When appointed or designated in writing by a court to provide psychological services, a licensee shall obtain and keep a copy of the court order.
  - (5) When providing forensic psychological services to a minor who is the subject of a court order or the ward of guardianship, a licensee shall obtain and keep a copy of the relevant portions of any court order, divorce decree, or letters of guardianship authorizing the individual to provide substitute consent on behalf of the minor or ward.
- (b) Limitation on Services.
- (1) A licensee who is asked to provide an opinion concerning an area or matter about which the licensee does not have the appropriate knowledge and competency to render a professional opinion shall decline to render that opinion.
  - (2) A licensee who is asked to provide an opinion concerning a specific matter for which the licensee lacks sufficient information to render a professional opinion shall decline to render that opinion unless the required information is provided.
  - (3) A licensee shall not render a written or oral opinion about the psychological characteristics of an individual without conducting an examination of the individual unless the opinion contains a statement that the licensee did not conduct an examination of the individual.
  - (4) A written or oral opinion about the psychological characteristics of an individual rendered by a licensee who did not conduct an examination of that individual must contain clarification of the extent to which this

- limits the reliability and validity of the opinion and the conclusions and recommendations of the licensee.
- (5) When seeking or receiving court appointment or designation as an expert for a forensic evaluation a licensee specifically avoids accepting appointment or engagement for both evaluation and therapeutic intervention for the same case. A licensee provides services in one but not both capacities in the same case.
- (c) Describing the Nature of Services. A licensee must document in writing that subject(s) of forensic evaluations or their parents or legal representative have been informed of the following:
- (1) The nature of the anticipated services (procedures);
  - (2) The specific purpose and scope of the evaluation;
  - (3) The identity of the party who requested the psychologist's services;
  - (4) The identity of the party who will pay the psychologist's fees and if any portion of the fees is to be paid by the subject, the estimated amount of the fees;
  - (5) The type of information sought and the uses for information gathered;
  - (6) The people or entities to whom psychological records will be distributed;
  - (7) The approximate length of time required to produce any reports or written results;
  - (8) Applicable limits on confidentiality and access to psychological records;
  - (9) Whether the psychologist has been or may be engaged to provide testimony based on the report or written results of forensic psychological services in a legal proceeding; and
  - (10) The licensee's name as it appears in their professional file with the Council prior to initiating services.
- (d) Certain Testimony Prohibited.
- (1) A licensee may not offer an expert opinion or recommendation relating to the conservatorship of or possession of or access to a child unless the licensee has conducted a child custody evaluation.
  - (2) In a contested suit, a licensee may provide other relevant information and opinions, other than those prohibited by paragraph (1) of this subsection, relating to any party that the licensee has personally evaluated or treated.



- (3) This subsection does not apply to a suit in which the Department of Family and Protective Services is a party.
- (e) Child Custody Evaluations.
  - (1) The role of the child custody evaluator is one of professional expert. A licensee serving as a child custody evaluator shall not function as an advocate, but must remain impartial and objective. Licensees conducting child custody evaluations, including those licensees appointed by a court, are subject to the Council's jurisdiction and must follow all applicable Council rules.
  - (2) The term "supervision" as used in this subsection shall have the meaning assigned by §107.101 of the Family Code. However, the term shall not encompass the restrictions and requirements set forth in §465.2 of this title (relating to Supervision) nor shall a licensee providing supervision under this subsection have supervisory responsibility under that same rule.
  - (3) Minimum Qualifications of Child Custody Evaluator.
    - (A) A licensee must be qualified to conduct a child custody evaluation pursuant to §107.104 of the Family Code before the licensee may conduct an evaluation. Licensees qualified to conduct evaluations under §107.104(b)(2) must conduct evaluations under supervision in accordance with that section.
    - (B) Notwithstanding any other grounds for qualification, the Council has determined that a licensed psychologist is qualified to conduct child custody evaluations if the licensee:
      - (i) has obtained a minimum of 8 professional development hours directly related to the performance of child custody evaluations since becoming a licensed psychologist, and is board certified in forensic psychology by the American Board of Professional Psychology (ABPP); or
      - (ii) has obtained a minimum of 40 professional development hours directly related to the performance of child custody evaluations since becoming a licensed psychologist, and has conducted at least three child custody evaluations under the supervision of a qualified licensee.

- (C) A licensee who does not meet the minimum qualification requirements set forth in §107.104 of the Family Code, may nevertheless conduct a child custody evaluation if:
  - (i) appointed to do so pursuant to §107.106 of the Family Code. A licensee appointed under §107.106 must comply with the provisions of Subchapter D of the Family Code and this rule; or
  - (ii) the individual is licensed as a psychologist, and has completed at least ten social studies or other child custody evaluations ordered by a court in suits affecting the parent-child relationship prior to September 1, 2015.
- (D) If requested by a court, a licensee selected to conduct or who is conducting a child custody evaluation must demonstrate appropriate knowledge and competence in child custody evaluation services consistent with professional models, standards, and guidelines.
- (E) In addition to the minimum qualifications set forth by this rule, an individual must complete at least eight hours of family violence dynamics training provided by a family violence service provider to be qualified to conduct child custody evaluations.
- (4) Disclosure of Conflicts and Bias.
  - (A) Licensees shall comply with all disclosure requirements set forth in §107.107 of the Family Code.
  - (B) Following any disclosure required by §107.107(c), a licensee must resign as child custody evaluator, unless:
    - (i) the court finds that no conflict of interest exists and that any previous knowledge of a party or child who is the subject of the suit is not relevant; or
    - (ii) the parties and any attorney for a child who is the subject of the suit agree in writing to the licensee's continued appointment as the child custody evaluator.
  - (C) Except as authorized by §107.107(f), licensees may not accept appointment as a child custody evaluator if they have worked in a professional

capacity with a party, a child who is the subject of the suit, or a member of the party's or child's family. The term "family" as used in this subpart has the meaning assigned by §71.003 of the Family Code.

- (5) Elements of Child Custody Evaluation.
  - (A) Licensees shall comply with §§107.108, 107.109, and 107.1101 of the Family Code when conducting child custody evaluations.
  - (B) Licensees may conduct psychometric testing as part of a child custody evaluation in accordance with §107.110 of the Family Code.
- (6) Communications and Recordkeeping of Child Custody Evaluator.
  - (A) Licensees shall comply with the requirements of §107.112 of the Family Code regarding:
    - (i) the disclosure of communications between evaluation participants;
    - (ii) the creation and retention of records relevant to the evaluation; and
    - (iii) access to evaluation records.
  - (B) Licensees conducting child custody evaluations shall maintain the confidentiality of records obtained from the Department of Family and Protective Services pursuant to §107.111 of the Family Code, as well as any records obtained pursuant to §107.1111. Licensees may not disclose any information obtained from the records except as required or allowed by law. Failure to maintain confidentiality as required by law will result in disciplinary action against a licensee.
- (7) Evaluation Report.
  - (A) A licensee who conducts a child custody evaluation shall prepare and file a report in accordance with §107.113 of the Family Code.
  - (B) A licensee shall provide a copy of any report filed with the Court in accordance with §107.114 of the Family Code.
- (f) Adoption Evaluations.
  - (1) The role of the adoption evaluator is one of professional expert. A licensee serving as an adoption evaluator shall not function as an advocate, but must remain impartial and objective. Licensees conducting adoption evaluations, including those licensees appointed by a court, are subject to the Council's

jurisdiction and must follow all applicable Council rules.

- (2) Minimum Qualifications of Adoption Evaluator.
  - (A) A licensee must be qualified to conduct an adoption evaluation pursuant to §107.154 of the Family Code before the licensee may conduct an evaluation.
  - (B) Licensees qualified to conduct a child custody evaluations are also qualified to conduct adoption evaluations.
  - (C) A licensee who does not meet the minimum qualification requirements set forth in §107.154, may nevertheless conduct an adoption evaluation if:
    - (i) appointed to do so pursuant to §107.155 of the Family Code. A licensee appointed under §107.155 must comply with the provisions of Subchapter E of the Texas Family Code and this rule; or
    - (ii) the individual is licensed as a psychologist, and has completed at least ten social studies or other child custody evaluations ordered by a court in suits affecting the parent-child relationship prior to September 1, 2015.
- (3) Disclosure of Conflicts and Bias.
  - (A) Licensees shall comply with all disclosure requirements set forth in §107.156 of the Family Code.
  - (B) Following any disclosure required by §107.156(c), a licensee must resign as adoption evaluator, unless:
    - (i) the court finds that no conflict of interest exists and that any previous knowledge of a party or child who is the subject of the suit is not relevant; or
    - (ii) the parties and any attorney for a child who is the subject of the suit agree in writing to the licensee's continued appointment as the adoption evaluator.
  - (C) Except as authorized by §107.156(e) of the Family Code, licensees may not accept appointment as an adoption evaluator if they have worked in a professional capacity with a party, a child who is the subject of the suit, or a member of the party's or child's family. The term

"family" as used in this subpart has the meaning assigned by §71.003 of the Family Code.

- (4) A licensee shall report to the Department of Family and Protective Services any adoptive placement that appears to have been made by someone other than a licensed child-placing agency or a child's parent or managing conservator.
- (5) Licensees shall comply with §§107.158, 107.159, and 107.160 of the Family Code when conducting adoption evaluations.
- (6) Licensees conducting adoption evaluations shall maintain the confidentiality of records obtained from the Department of Family and Protective Services pursuant to §107.163 of the Family Code. Licensees may not disclose any information obtained from the records except as required or allowed by law. Failure to maintain confidentiality as required by §107.163 of the Family Code will result in disciplinary action against a licensee.
- (g) Duty to Report Complaints. Licensees must report any complaint filed against them that alleges facts tending to show a violation of this rule in connection with a child custody or adoption evaluation. The report must be made to the court that ordered the evaluation within 30 days of receiving notice of the complaint from the Council. Only those complaints for which a licensee receives notice from the Council need to be reported.
- (h) Parenting Facilitators.
  - (1) The title "parenting facilitator" is defined in §153.601 of the Family Code.
  - (2) The Council's jurisdiction over licensees who also accept engagements as parenting facilitators is limited to its enforcement of Council rules. The Family Code sets forth procedures for the qualifications, duties, appointment and removal, reporting, record retention, and compensation of parenting facilitators. The Family Code also provides procedures for disclosure of conflicts of interest by parenting facilitators.
  - (3) A parenting facilitator who is also a licensed psychologist in Texas is a provider of forensic psychological services and must comply with all applicable Council rules.
  - (4) Participants in parenting facilitation are not patients as defined in these rules and in Texas Health and Safety Code §611.001. Records created during parenting facilitation are not confidential.

- (5) Parenting facilitators must comply with §§153.6061 and 153.6101 of the Family Code as to duties and qualifications, and with the "Guidelines for Parenting Coordination" published by the Association of Family and Conciliation Courts.
- (6) The following psychologist-parenting facilitator practice standards are set forth consistent with §153.6101 of the Family Code:
  - (A) Parenting facilitators licensed by the Council shall comply with the standard of care applicable to the license to practice psychology in Texas.
  - (B) Psychologist-parenting facilitators meet all requirements of §153.6101 of the Family Code, including active licensure to practice as a psychologist in Texas; completion of 8 hours of family violence dynamics training provided by a family violence service provider; 40 classroom hours of training in dispute resolution techniques in a course conducted by an alternative dispute resolution system or other dispute resolution organization approved by the court; 24 classroom hours of training in the fields of family dynamics, child development, and family law; and 16 hours of training in the laws governing parenting coordination and parenting facilitation and the multiple styles and procedures used in different models of service.

*Adopted to be effective: October 7, 2020*

**465.20. Research.**

- (a) Conducting Research.
  - (1) Licensees who conduct research involving human research participants must obtain informed consent which includes risks, discomfort, adverse effects, limitations on confidentiality including anticipated sharing or use of personally identifiable research data and of the possibility of unanticipated future uses, as well as any aspects about which the prospective participants inquire.
  - (2) Licensees shall conduct all research involving animals in a humane manner which minimizes the discomfort, infection, illness and pain of animal subjects. A procedure subjecting animals to pain, stress or privation is used only when an alternative procedure is

unavailable and the goal is justified by its prospective scientific, education or applied value.

- (b) Research results.
  - (1) Psychologists do not fabricate data or falsify results in their publications.
  - (2) Licensees who discover significant errors in their published data take all reasonable steps to correct such errors.
  - (3) Licensees do not present substantial portions or elements of another individual's research work or data as their own.
  - (4) Licensees take responsibility and credit, including authorship credit, only for work they have actually performed or to which they have contributed.

*Adopted to be effective: October 7, 2020*

#### **465.21. Termination of Services.**

- (a) Licensees do not abandon patients or clients.
- (b) Withdrawal from a professional relationship in compliance with Council rules to avoid a prohibited dual relationship is not abandonment of a patient or client.
- (c) Licensees terminate a professional relationship when it becomes reasonably clear that the patient or client no longer needs the service, is not benefiting or is being harmed by continued service.
- (d) Prior to termination of a professional relationship for any reason, the licensee takes all reasonable steps to facilitate transfer of responsibility for the patient or client to a qualified service provider if necessary to prevent physical or emotional harm and, if not precluded by the patient or client's conduct, provides appropriate pre-termination counseling and referrals.
- (e) Licensees who are required to interrupt services of a professional relationship for any reason shall make arrangements for provision of any services to all patients or clients required during the interruption.
- (f) Termination of employment with agencies or organizations.
  - (1) When entering into employment or contractual relationships, licensees provide for orderly and appropriate resolution of responsibility for patient or client care in the event that the employment or contractual relationship ends, with paramount consideration given to the welfare of the patient or client.
  - (2) Licensees who are employed by an organization or agency to provide psychological services must, upon

termination of that employment, work with the employer to facilitate access to records of all services provided by the licensee to patients or clients as otherwise required by Council rules and applicable law.

- (3) Licensees who are employed by an organization or agency to provide psychological services must, upon termination of that employment, work with the employer to facilitate transfer of clients or patients who are continuing to receive services from the agency or organization to another qualified service provider.
- (g) Termination of employment with public schools.
  - (1) A LSSP who is under contract as an employee of a public school to provide school psychological services must deliver to such public school a written resignation before terminating services or employment without cause. The resignation must be filed with the public school's board of trustees or designee not later than the 45th day before the first day of instruction of the following school year. A written resignation mailed by prepaid certified or registered mail to the president of the public school's board of trustees or designee at the post office address of the public school is considered delivered at the time of mailing.
  - (2) A LSSP who is under contract as an employee of a public school may resign at any time if given written consent by the public school's board of trustees or designee or if such resignation is for cause.

*Adopted to be effective: October 7, 2020*

#### **465.22. Psychological Records, Test Data and Test Materials.**

- (a) General Requirements.
  - (1) All licensees shall create and maintain accurate, current, and pertinent records of all psychological services rendered by or under the supervision of the licensee.
  - (2) All records shall be sufficient to permit planning for continuity in the event that another care provider takes over delivery of services to a patient or client for any reason, including the death, disability or retirement of the licensee and to permit adequate regulatory and administrative review of the psychological service.
  - (3) All licensees shall identify impressions and tentative conclusions as such in patient or client records.



- (4) All records and record entries shall be created in as timely a manner as possible after the delivery of the specific services being recorded.
- (5) Records shall be maintained and stored in a way that permits review and duplication.
- (6) Licensees working in public school settings shall comply with all federal and state laws relative to the content, maintenance, control, access, retention and destruction of psychological and educational records, test data and test protocols.
- (7) Licensees are prohibited from falsifying, altering, fabricating, or back-dating records and reports.
- (b) Maintenance and Control of Records.
  - (1) Licensees shall maintain records in a manner that protects the confidentiality of all services delivered by the licensee.
  - (2) Licensees are responsible for the contents of, as well as the access, retention, control, maintenance, and destruction of all records unless stated otherwise by law.
  - (3) Licensees shall make all reasonable efforts to protect against the misuse of any record.
  - (4) Licensees shall maintain control over records to the extent necessary to ensure compliance with all applicable state and federal laws.
  - (5) In situations where it becomes impossible for a licensee to maintain control over records as required by state or federal law, the licensee shall make all necessary arrangements for transfer of the licensee's records to another licensee who will ensure compliance with state and federal laws concerning records.
  - (6) The possession, access, retention, control, maintenance, and destruction of records of psychological services rendered by a licensee as an employee of or contractor for an agency or organization remain the responsibility of that agency or organization upon termination of the licensee's employment or contract unless otherwise required by state or federal law or legal agreement.
- (c) Access to Records.
  - (1) Records shall be entered, organized and maintained in a manner that facilitates their use by all authorized persons.
  - (2) Records may be maintained in any media that ensure confidentiality and durability.

- (3) A licensee shall release information about a patient or client only upon written authorization from the patient or client, or as otherwise permitted or required under state or federal law.
- (4) Test materials are not part of a patient's or client's record and may not be copied or distributed unless otherwise permitted or required under state or federal law.
- (5) Test data are part of a patient's records and must be released to the patient as part of the patient's records. In the event test data are commingled with test materials, licensees may inquire whether the patient will accept a summary or narrative of the test data in lieu of having to either redact the test materials or extract the test data from test materials in order to comply with the request for records.
- (6) Licensees cooperate in the continuity of care of patients and clients by providing appropriate information to succeeding qualified service providers as permitted by applicable Council rule and state and federal law.
- (7) Licensees who are temporarily or permanently unable to practice psychology shall implement a system that enables their records to be accessed in compliance with applicable Council rules and state and federal law.
- (8) Access to records may not be withheld due to an outstanding balance owed by a client for psychological services provided prior to the patient's request for records. However, licensees may impose a reasonable fee for review and/or reproduction of records and are not required to permit examination until such fee is paid, unless there is a medical emergency or the records are to be used in support of an application for disability benefits.
- (9) No later than 15 days after receiving a written request from a patient to examine or copy all or part of the patient's mental health records, a psychologist shall:
  - (A) make the information available for examination during regular business hours and provide a copy to the patient, if requested; or
  - (B) inform the patient in writing that the information does not exist or cannot be found; or
  - (C) when withholding information, provide the patient with a signed and dated statement

reflecting the licensee's determination, based upon the exercise of professional judgment, that the access requested is reasonably likely to endanger the life or physical safety of the patient or another person. The written statement must specify the portion of the record being withheld, the reason for denial and the duration of the denial.

- (10) A licensee may, but is not required to provide a patient with access to psychotherapy notes, as that term is specifically defined in 45 C.F.R. §164.501, maintained by the licensee concerning the patient.

(d) Retention of Records.

- (1) Licensees shall comply with all applicable laws, rules and regulations concerning record retention.
- (2) In the absence of applicable state and federal laws, rules and regulations, records and test data shall be maintained for a minimum of seven years after the date of termination of services with the patient, client, or subject of evaluation, or five years after a patient or subject of evaluation reaches the age of majority, whichever is greater.
- (3) All records shall be maintained in a manner which permits timely retrieval and production.

(e) Outdated Records.

- (1) Licensees take reasonable steps when disclosing records to note information that is outdated.
- (2) Disposal of records shall be done in an appropriate manner that ensures confidentiality of the records in compliance with applicable Council rules and state and federal laws.

*Adopted to be effective: October 7, 2020*

**465.32. Disposition and Assumption of the Practice of a Mental Health Professional.**

(a) In General.

- (1) A licensee has the right to sell or otherwise dispose of the licensee's practice to another licensed psychologist.
- (2) A licensee has the right to assume the practice of a licensee.
- (3) Arrangements regarding accounts receivable and other financial and tangible assets and liabilities of the practice being transferred must be resolved by the selling and assuming licensees prior to the transfer of any patient or client records.

(b) Notice and Referral of Patients and Clients.

- (1) A licensee who intends to sell, retire, or otherwise dispose of a practice must make reasonable efforts to notify current and former patients or clients that on a given date the practice is being sold and that patient or client records will be transferred to the buyer unless the patient or client provides the name of an alternative mental health care provider to receive the records. This notice must provide a reasonable time to the patients and clients to make suitable responses and arrangements.
- (2) A licensee who assumes the practice of another mental health service provider may state a willingness to provide services to all patients or clients the licensee is competent to treat.
- (3) A licensee who assumes a practice must provide an appropriate referral to a qualified mental health services provider to any patient or client who notifies the licensee that they do not want to receive services from the licensee or to a patient or client to whom the licensee declines to offer services.
- (4) If the patient or client accepts a referral, the referring licensee must forward the patient or client's records to that mental health professional.

*Adopted to be effective: October 7, 2020*

**465.33. Improper Sexual Conduct.**

- (a) "Sexual Harassment" means sexual advances, requests for sexual favors, or other verbal or physical conduct or contact of a sexual nature that has the purpose or effect of creating an intimidating, hostile, or offensive environment and that occurs within a professional relationship. The determination of whether conduct or comments rise to the level of sexual harassment must be made based upon the totality of the circumstances, and from the viewpoint of a reasonable person. Sexual harassment does not include simple teasing, offhand comments, or isolated incidents that are not serious in nature.
- (b) "Sexual Impropriety" is deliberate or repeated comments, gestures, or physical acts of a sexual nature that include, but are not limited to:
  - (1) Behavior, gestures, or expressions which may reasonably be interpreted as inappropriately seductive or sexually demeaning;
  - (2) Making inappropriate comments about an individual's body;

- (3) Making sexually demeaning comments to an individual;
- (4) Making comments about an individual's potential sexual performance, except when the examination or consultation is pertinent to the issue of sexual function or dysfunction in therapy/counseling;
- (5) Requesting details of a patient or client's sexual history when not clinically indicated for the type of consultation;
- (6) Requesting a date;
- (7) Initiating conversation regarding the sexual problems, preferences, or fantasies of either party; or
- (8) Kissing of a sexual nature.
- (c) A sexual relationship is the engaging in any conduct that is sexual or may be reasonably interpreted as sexual in nature including, but not limited to:
  - (1) Sexual intercourse;
  - (2) Genital contact;
  - (3) Oral to genital contact;
  - (4) Genital to anal contact;
  - (5) Oral to anal contact;
  - (6) Touching breasts or genitals;
  - (7) Encouraging another to masturbate in one's presence;
  - (8) Masturbation in another's presence; or
  - (9) Exposure of sexual organs, breasts or buttocks.
- (d) A dating relationship is a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature, but does not include a casual acquaintanceship or ordinary fraternization in a business or social context. The existence of such a relationship shall be determined based on consideration of:
  - (1) The length of the relationship;
  - (2) The nature of the relationship; and
  - (3) The frequency and type of interaction between the persons involved in the relationship.
- (e) A licensee may not engage in sexual harassment, sexual impropriety, or a sexual relationship with a current patient or client; a former patient or client over whom the licensee has influence due to a therapeutic relationship; current students or trainees of the licensee; individuals who the licensee knows to be the parents, guardians, spouses, significant others, children, or siblings of current patients or a supervisee over whom the licensee has administrative or clinical responsibility. A licensee may not engage in a sexual relationship with individuals who the licensee knows to be the parents, guardians, spouses, significant others, children,

or siblings of former patients for at least two years after termination of services.

- (f) A licensee may not engage in a dating relationship with a current client or former client over whom the licensee has influence due to therapeutic relationship; current students or trainees of the licensee; individuals who the licensee knows to be the parents, guardians, spouses, significant others, children, or siblings of current clients, or a supervisee over whom the licensee has administrative or clinical responsibility. A licensee may not engage in a dating relationship with individuals who the licensee knows to be the parents, guardians, spouses, significant others, children, or siblings of former clients, for at least two years after termination of services. A licensee may never engage in a dating relationship when there is potential for harm to any of these individuals.
- (g) Licensees do not accept as patients individuals with whom they have engaged in sexual relationships.

*Adopted to be effective: October 7, 2020*

**465.34. Providing Mental Health Services to Those Served by Others.**

Licensees do not knowingly provide psychological services to clients receiving mental health services elsewhere without first discussing consequent treatment issues with the client. If the client consents, a licensee shall inform the other professional and strive to establish a positive and collaborative professional relationship.

*Adopted to be effective: October 7, 2020*

*Amended: November 9, 2025*

**465.35. Duty to Report Rule Violations.**

- (a) A licensee that becomes aware of another licensee violating a state or federal law within the jurisdiction of the Council, may attempt to resolve the violation informally with the other licensee if the violation does not involve actual or likely harm to an individual or the public. Any unresolved violations must be reported to the Council.
- (b) A licensee that becomes aware of another licensee violating a state or federal law within the jurisdiction of the Council involving actual or likely harm to an individual or the public, must report the violation of the Council.

*Adopted to be effective: October 7, 2020*

**465.38. Psychological Services for Schools.**

- (a) This rule acknowledges the unique difference in the delivery of school psychological services in public and private schools from psychological services in the private sector. The Council

recognizes the purview of the State Board of Education and the Texas Education Agency in safeguarding the rights of school children in Texas. The mandated multidisciplinary team decision making, hierarchy of supervision, regulatory provisions, and past traditions of school psychological service delivery both nationally and in Texas, among other factors, allow for rules of practice in public and private schools which reflect these occupational distinctions from the private practice of psychology.

(b) Scope of Practice.

- (1) School psychological services include the delivery of a comprehensive range of services to support the academic, emotional, social, behavioral, and mental health development and needs of students, which includes the promotion of students' strengths, as well as the identification and treatment of mental health disorders and disabilities impacting student educational performances.
- (2) School psychological services include, but are not limited to:
  - (A) Assessment, which includes psychoeducational, cognitive, psychological, emotional, behavioral, and other assessments; universal screenings; and various data collection methods to:
    - (i) identify and address student academic, social, emotional, developmental, and mental and behavioral health needs;
    - (ii) make eligibility recommendations for special education services;
    - (iii) assess risk of harm to self or others, and;
    - (iv) evaluate effectiveness of services and practices.
  - (B) Prevention and Intervention services to support student learning, which include facilitating delivery of curricula and instructional strategies, school-wide, group, and individual interventions to support student achievement, student wellness, mental and behavioral health, promoting safe learning environments and addressing other barriers to learning.
  - (C) Mental and Behavioral Health Services, which includes individual, group and/or school-wide services to promote social, emotional, mental and behavioral health, and prosocial and positive behaviors. Such services also include individual or group counseling, behavioral

- assessment and intervention, and consultation with families, educational staff, and other interested parties.
- (D) Consultation and Collaboration, which includes engagement in collaborative problem-solving as a vehicle to plan, implement, and evaluate academic and mental and behavioral health services, which may include psychoeducation for students, families, school personnel, and other relevant parties.
  - (E) Development of programs, which includes designing, implementing, or evaluating safe, supportive, and educationally and psychologically sound learning environments; engaging in crisis prevention, response, and intervention; acting as a catalyst for educator and family engagement in adaptations and innovations; and facilitating the psychoeducational development of individual families or groups.
- (3) The delivery of school psychological services in the public schools of this state shall be consistent with nationally recognized standards for the practice of school psychology. Licensees providing school psychological services in a private school should comply with those same nationally recognized standards where possible, but at a minimum, must comply with all applicable Council rules, including those related to informed consent, notification of the right to file a complaint, competency, forensic services, and misuse of services.
- (c) The specialist in school psychology license permits the licensee to provide school psychological services only in public and private schools. A person utilizing this license may not provide psychological services in any context or capacity outside of a public or private school.
  - (d) The correct title for an individual holding a specialist in school psychology license is Licensed Specialist in School Psychology or (LSSP), or the individual may use the title School Psychologist as referenced in §21.003 of the Education Code. An LSSP who has achieved certification as a Nationally Certified School Psychologist (NCSP) may use this credential along with the license title of LSSP.
  - (e) Providers of Psychological Services Within the Public Schools.



- (1) School psychological services may be provided in Texas public schools only by individuals authorized by this Council to provide such services. Individuals who may provide such school psychological services include:
    - (A) LSSPs; and
    - (B) interns and post-doctoral fellows working towards licensure as a psychologist.
  - (2) Licensees who do not hold the specialist in school psychology license may contract for specific types of psychological services, such as clinical psychology, counseling psychology, neuropsychology, and family therapy, but any such contracting may not involve the broad range of school psychological services listed in subsection (b)(1) of this section.
  - (3) An LSSP who contracts with a school to provide school psychological services must notify the school of any intent or plan to subcontract or assign those services to another provider prior to entering into the agreement. An LSSP subject to this provision shall be responsible for ensuring the school psychological services delivered comply with subsection (b)(3) of this section.
- (f) Compliance with Applicable Education Laws. LSSPs shall comply with all applicable state and federal laws affecting the practice of school psychology, including, but not limited to:
- (1) Texas Education Code;
  - (2) Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g;
  - (3) Individuals with Disabilities Education Improvement Act (IDEIA), 20 U.S.C. §1400 et seq.;
  - (4) Texas Public Information Act, Texas Government Code, Chapter 552;
  - (5) Section 504 of the Rehabilitation Act of 1973;
  - (6) Americans with Disabilities Act (ADA) 42 U.S.C. §12101; and
  - (7) HIPAA when practicing in a private school.
- (g) Informed Consent in a Public School. Informed consent for a Licensed Specialist in School Psychology must be obtained in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA) and the U.S. Department of Education's rules governing parental consent when delivering school psychological services in the public schools, and is considered to meet the requirements for informed consent under Board rules. No additional informed consent,

specific to any Council rules, is necessary in this context. Licensees providing psychological services under subsection (e)(2) of this section, or in a private school however, must obtain informed consent as otherwise required by the Council rules.

*Adopted to be effective: October 7, 2020*

*Amended: September 19, 2021; June 15, 2023; July 20, 2025*

## SCHEDULE OF SANCTIONS

**470.1. Schedule of Sanctions.** The following standard sanctions shall apply to violations of Chapter 501 and 22 TAC Part 21.

<u>Board Rule</u>	<u>Revocation</u>	<u>Suspension</u>	<u>Probated Suspension</u>	<u>Reprimand</u>	<u>Administrative Penalty</u>
465.2				X	
465.4				X	
465.6(a) & (b)				X	
465.6(c)					X
465.8			X		
465.9(a), (d), (e), & (f)			X		
465.9(b)-(c) & (g)-(j)				X	
465.10			X		
465.11				X	
465.12(a) & (d)-(i)			X		
465.12(b) & (c)				X	
465.13(a)(1)-(2) & (b)(4)		X			
465.13(a)(4) & (b)(1)-(3)			X		
465.13(a)(3) & (b)(5)	X				
465.14				X	
465.15(a) & (b)(2)-(5)				X	
465.15(b)(1)	X				
465.16(a)				X	
465.16(b)-(e)			X		
465.17(a)(1)-(2)			X		
465.17(a)(3)	X				
465.17(b)				X	
465.18(a)-(c) & (e)-(h)			X		
465.18(d)				X	
465.20				X	
465.21			X		
465.22(a)(1)-(6) & (b)-(e)				X	
465.22(a)(7)		X			
465.32					X
465.33(e) as it relates to sexual harassment and sexual impropriety			X		
465.33(e) as it relates to a sexual relationships and (g)	X				

465.33(f)		X			
465.34				X	
465.35(a) & (b)				X	
465.38				X	

*Adopted to be effective: October 7, 2020*

# **TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL STATUTES**

## **SUBCHAPTER A. GENERAL PROVISIONS**

**Sec. 507.001. DEFINITIONS.** In this chapter:

- (1) "Executive council" means the Texas Behavioral Health Executive Council.
- (2) "License" means a license, certification, registration, or other authorization that is issued by the executive council.
- (3) "Marriage and family therapy board" means the Texas State Board of Examiners of Marriage and Family Therapists.
- (4) "Professional counseling board" means the Texas State Board of Examiners of Professional Counselors.
- (5) "Psychology board" means the Texas State Board of Examiners of Psychologists.
- (6) "Social work board" means the Texas State Board of Social Worker Examiners.

**Sec. 507.002. APPLICATION OF SUNSET ACT.** The Texas Behavioral Health Executive Council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the executive council is abolished and this chapter and Chapters 501, 502, 503, and 505 expire September 1, 2033.

## **SUBCHAPTER B. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL**

**Sec. 507.051. EXECUTIVE COUNCIL MEMBERSHIP.**

- (a) The Texas Behavioral Health Executive Council consists of nine members as follows:
  - (1) one marriage and family therapist member and one public member of the marriage and family therapy board, each appointed by that board;
  - (2) one licensed professional counselor member and one public member of the professional counseling board, each appointed by that board;
  - (3) one psychologist member and one public member of the psychology board, each appointed by that board;
  - (4) one social worker member and one public member of the social work board, each appointed by that board; and
  - (5) one public member appointed by the governor.

- (b) Appointments to the executive council shall be made without regard to the race, color, disability, sex, age, religion, or national origin of the appointee.

**Sec. 507.052. ELIGIBILITY OF PUBLIC MEMBER APPOINTED BY**

**GOVERNOR.** A person is not eligible for appointment by the governor as a public member of the executive council if the person or the person's spouse:

- (1) is registered, certified, or licensed by an occupational regulatory agency in the field of health care;
- (2) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the executive council, the marriage and family therapy board, the professional counseling board, the psychology board, or the social work board;
- (3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the executive council, the marriage and family therapy board, the professional counseling board, the psychology board, or the social work board; or
- (4) uses or receives a substantial amount of tangible goods, services, or money from the executive council, the marriage and family therapy board, the professional counseling board, the psychology board, or the social work board, other than compensation or reimbursement authorized by law for executive council, marriage and family therapy board, professional counseling board, psychology board, or social work board membership, attendance, or expenses.

**Sec. 507.053. MEMBERSHIP AND EMPLOYEE RESTRICTIONS.**

- (a) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.
- (b) A person may not be a member of the executive council and may not be an executive council employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) if:
  - (1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of health care; or

- (2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of health care.
- (c) A person may not be a member of the executive council or act as the general counsel to the executive council if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the executive council, the marriage and family therapy board, the professional counseling board, the psychology board, or the social work board.

**Sec. 507.054. TERMS; VACANCY.**

- (a) The member appointed by the governor serves a six-year term. The remaining members serve two-year terms with the terms of four of those members expiring February 1 of each year.
- (b) A member appointed to fill a vacancy holds office for the unexpired portion of the term.

**Sec. 507.055. PRESIDING OFFICER.** The member appointed by the governor is the presiding officer of the executive council.

**Sec. 507.056. GROUNDS FOR REMOVAL.**

- (a) It is a ground for removal from the executive council that a member:
  - (1) does not have at the time of taking office the qualifications required by Section 507.051;
  - (2) does not maintain during service on the executive council the qualifications required by Section 507.051;
  - (3) is ineligible for membership under Section 507.052 or 507.053;
  - (4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or
  - (5) is absent from more than half of the regularly scheduled executive council meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the executive council.
- (b) The validity of an action of the executive council is not affected by the fact that it is taken when a ground for removal of an executive council member exists.
- (c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the executive council of the potential ground. The presiding officer shall then notify the appointing authority and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the

executive director shall notify the next highest ranking officer of the executive council, who shall then notify the appointing authority and the attorney general that a potential ground for removal exists.

**Sec. 507.057. REIMBURSEMENT.** A member of the executive council may receive reimbursement for travel expenses as provided by the General Appropriations Act.

**Sec. 507.058. MEETINGS.**

- (a) The executive council shall hold at least two regular meetings each year.
- (b) The executive council may hold additional meetings on the request of the presiding officer or on the written request of three members of the executive council.

**Sec. 507.059. TRAINING.**

- (a) A person who is appointed to and qualifies for office as a member of the executive council may not vote, deliberate, or be counted as a member in attendance at a meeting of the executive council until the person completes a training program that complies with this section.
- (b) The training program must provide the person with information regarding:
  - (1) the law governing executive council operations;
  - (2) the programs, functions, rules, and budget of the executive council;
  - (3) the scope of and limitations on the rulemaking authority of the executive council;
  - (4) the types of executive council rules, interpretations, and enforcement actions that may implicate federal antitrust law by limiting competition or impacting prices charged by persons engaged in a profession or business the executive council regulates, including any rule, interpretation, or enforcement action that:
    - (A) regulates the scope of practice of persons in a profession or business the executive council regulates;
    - (B) restricts advertising by persons in a profession or business the executive council regulates;
    - (C) affects the price of goods or services provided by persons in a profession or business the executive council regulates; or
    - (D) restricts participation in a profession or business the executive council regulates;
  - (5) the results of the most recent formal audit of the executive council;



- (6) the requirements of:
  - (A) laws relating to open meetings, public information, administrative procedure, and disclosure of conflicts of interest; and
  - (B) other laws applicable to members of the executive council in performing their duties; and
- (7) any applicable ethics policies adopted by the executive council or the Texas Ethics Commission.
- (c) A person appointed to the executive council is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.
- (d) The executive director of the executive council shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each executive council member. Each member of the executive council shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

## **SUBCHAPTER C. EXECUTIVE DIRECTOR AND OTHER PERSONNEL**

**Sec. 507.101. EXECUTIVE DIRECTOR; PERSONNEL.** The executive council shall employ an executive director and other personnel as necessary to administer this chapter and carry out the functions of the executive council.

**Sec. 507.102. DIVISION OF RESPONSIBILITIES.** The executive council shall develop and implement policies that clearly separate the policymaking responsibilities of the executive council and the management responsibilities of the executive director and the staff of the executive council.

### **Sec. 507.103. CAREER LADDER PROGRAM; PERFORMANCE EVALUATIONS.**

- (a) The executive director or the executive director's designee shall develop an intra-agency career ladder program. The program must require intra-agency posting of all nonentry level positions concurrently with any public posting.
- (b) The executive director or the executive director's designee shall develop a system of annual performance evaluations based on measurable job tasks. All merit pay for executive council employees must be based on the system established under this subsection.

**Sec. 507.104. EQUAL OPPORTUNITY POLICY; REPORT.**

- (a) The executive director or the executive director's designee shall prepare and maintain a written policy statement to ensure implementation of an equal opportunity program under which all personnel transactions are made without regard to race, color, disability, sex, age, religion, or national origin. The policy statement must include:
  - (1) personnel policies, including policies relating to recruitment, evaluation, selection, appointment, training, and promotion of personnel, that are in compliance with the requirements of Chapter 21, Labor Code;
  - (2) a comprehensive analysis of the executive council workforce that meets federal and state guidelines;
  - (3) procedures by which a determination can be made of significant underuse in the executive council workforce of all persons for whom federal or state guidelines encourage a more equitable balance; and
  - (4) reasonable methods to appropriately address those areas of significant underuse.
- (b) A policy statement prepared under Subsection (a) must:
  - (1) cover an annual period;
  - (2) be updated annually;
  - (3) be reviewed by the Texas Workforce Commission for compliance with Subsection (a)(1); and
  - (4) be filed with the governor.
- (c) The governor shall deliver a biennial report to the legislature based on information received under Subsection (b). The report may be made separately or as part of other biennial reports made to the legislature.

**SUBCHAPTER D. POWERS AND DUTIES**

**Sec. 507.151. GENERAL POWERS AND DUTIES.**

- (a) The executive council shall administer and enforce this chapter and Chapters 501, 502, 503, and 505.
- (b) In carrying out its duties under this section, the executive council may request input or assistance from the board for the applicable profession.

**Sec. 507.152. GENERAL RULEMAKING AUTHORITY.** The executive council shall adopt rules as necessary to perform its duties and implement this chapter.

**Sec. 507.153. LIMITATION REGARDING CERTAIN RULES.**

- (a) Unless the rule has been proposed by the applicable board for the profession, the executive council may not adopt under this chapter or Chapter 501, 502, 503, or 505:
  - (1) a rule regarding:
    - (A) the qualifications necessary to obtain a license, including limiting an applicant's eligibility for a license based on the applicant's criminal history;
    - (B) the scope of practice of and standards of care and ethical practice for the profession; or
    - (C) continuing education requirements for license holders; or
  - (2) a schedule of sanctions for violations of the laws and rules applicable to the profession.
- (b) For each rule proposed under Subsection (a), the executive council shall either adopt the rule as proposed or return the rule to the applicable board for revision. On the return of a rule under this subsection, the executive council shall include an explanation of the executive council's reasons for not adopting the rule as proposed.
- (c) The executive council retains authority for final adoption of all rules and is responsible for ensuring compliance with all laws regarding the rulemaking process.
- (d) The executive council shall adopt rules prescribing the procedure by which rules described by Subsection (a) may be proposed to the executive council.

**Sec. 507.154. FEES.** The executive council shall set fees in amounts reasonable and necessary to cover the costs of administering this chapter and Chapters 501, 502, 503, and 505, including fees for:

- (1) licenses issued by the executive council;
- (2) license renewals and late renewals;
- (3) examinations; and
- (4) any other program or activity administered by the executive council for which a fee is authorized.

**Sec. 507.155. RULES RESTRICTING ADVERTISING OR COMPETITIVE BIDDING.**

- (a) The executive council may not adopt rules restricting advertising or competitive bidding by a person regulated by the executive council except to prohibit false, misleading, or deceptive practices.

- (b) The executive council may not include in rules to prohibit false, misleading, or deceptive practices by a person regulated by the executive council a rule that:
  - (1) restricts the person's use of any advertising medium;
  - (2) restricts the person's personal appearance or use of the person's voice in an advertisement;
  - (3) relates to the size or duration of an advertisement by the person; or
  - (4) restricts the use of a trade name in advertising by the person.

**Sec. 507.156. RULES ON CONSEQUENCES OF CRIMINAL CONVICTION.**

The executive council shall adopt rules and guidelines as necessary to comply with Chapter 53.

**Sec. 507.157. CONTINUING EDUCATION.** The executive council shall recognize, prepare, or administer continuing education programs for license holders. A license holder must participate in the programs to the extent required by the executive council to keep the person's license.

**Sec. 507.158. USE OF TECHNOLOGY.** The executive council shall implement a policy requiring the executive council to use appropriate technological solutions to improve the executive council's ability to perform its functions. The policy must ensure that the public is able to interact with the executive council on the Internet.

**Sec. 507.159. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION POLICY.**

- (a) The executive council shall develop a policy to encourage the use of:
  - (1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of executive council rules; and
  - (2) appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the executive council's jurisdiction.
- (b) The executive council's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.
- (c) The executive council shall:
  - (1) coordinate the implementation of the policy adopted under Subsection (a);

- (2) provide training as needed to implement the procedures for negotiated rulemaking and alternative dispute resolution; and
- (3) collect data concerning the effectiveness of those procedures.

**Sec. 507.160. ANNUAL REGISTRY.**

- (a) The executive council shall annually prepare a registry of all license holders.
- (b) The executive council shall make the registry available to the public, license holders, and other state agencies.
- (c) The executive council may not include the home address of a license holder in a registry the executive council publishes on the executive council's Internet website unless the person requests that the person's home address appear in the registry on the website. A request under this subsection must be made in the manner prescribed by the executive council.
- (d) The home address of a license holder that is included in a registry the executive council prepares under this section is public information and is not excepted from required disclosure under Chapter 552, Government Code.

**Sec. 507.161. CONFIDENTIALITY OF HOME ADDRESS AND TELEPHONE NUMBER.** Except as provided by Section 507.160(d), the home address and telephone number of a license holder are confidential and not subject to disclosure under Chapter 552, Government Code.

## **SUBCHAPTER E. PUBLIC INTEREST INFORMATION AND COMPLAINT PROCEDURES**

**Sec. 507.201. PUBLIC INTEREST INFORMATION.**

- (a) The executive council shall prepare information of public interest describing the functions of the executive council and the procedures by which complaints are filed with and resolved by the executive council.
- (b) The executive council shall make the information available to the public and appropriate state agencies.

**Sec. 507.202. COMPLAINTS.**

- (a) The executive council by rule shall establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of the executive council for the purpose of directing complaints to the executive council. The executive council may provide for that notice:
  - (1) on each registration form, application, or written contract for services of a person regulated by the executive council;

- (2) on a sign prominently displayed in the place of business of a person regulated by the executive council; or
  - (3) in a bill for services provided by a person regulated by the executive council.
- (b) The executive council shall list with its regular telephone number any toll-free telephone number established under other state law that may be called to present a complaint about a person regulated by the executive council.

**Sec. 507.203. INFORMATION ABOUT COMPLAINT ACTIONS.**

- (a) The executive council shall maintain a system to promptly and efficiently act on complaints filed with the executive council. The executive council shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.
- (b) The executive council shall make information available describing its procedures for complaint investigation and resolution.
- (c) The executive council shall periodically notify the parties to a complaint of the status of the complaint until final disposition of the complaint.

**Sec. 507.204. GENERAL RULES REGARDING COMPLAINT INVESTIGATION.**

- (a) The executive council shall adopt rules concerning the investigation of a complaint filed with the executive council. The rules adopted under this section must:
  - (1) distinguish between categories of complaints;
  - (2) ensure that a complaint is not dismissed without appropriate consideration;
  - (3) require that the executive council be advised of a complaint that is dismissed and that a letter be sent to the person who filed the complaint explaining the action taken on the complaint;
  - (4) ensure that the person who files a complaint has an opportunity to explain the allegations made in the complaint; and
  - (5) prescribe guidelines concerning the categories of complaints that require the use of a private investigator and prescribe the procedures for the executive council to obtain the services of a private investigator.
- (b) The executive council shall:
  - (1) dispose of a complaint in a timely manner; and
  - (2) establish a schedule for conducting each phase of the disposition of a complaint that is under the control of the

- executive council not later than the 30th day after the date the executive council receives the complaint.
- (c) The executive council shall notify the parties to a complaint of the projected time requirements for pursuing the complaint.
  - (d) The executive council shall notify the parties to a complaint of any change in the schedule not later than the seventh day after the date the change is made.
  - (e) The executive director shall notify the executive council of a complaint that is unresolved after the time prescribed by the executive council for resolving the complaint so that the executive council may take necessary action on the complaint.
  - (f) The executive council shall assign priorities and investigate complaints based on:
    - (1) the severity of the conduct alleged in the complaint; and
    - (2) the degree of harm to public health and safety.

**Sec. 507.205. CONFIDENTIALITY OF COMPLAINT INFORMATION.**

- (a) Except as provided by Subsection (b), a complaint and investigation and all information and materials compiled by the executive council in connection with the complaint and investigation are not subject to:
  - (1) disclosure under Chapter 552, Government Code; or
  - (2) disclosure, discovery, subpoena, or other means of legal compulsion for release of information to any person.
- (b) A complaint or investigation subject to Subsection (a) and all information and materials compiled by the executive council in connection with the complaint may be disclosed to:
  - (1) the executive council and executive council employees or agents involved in license holder discipline;
  - (2) a party to a disciplinary action against the license holder or that party's designated representative;
  - (3) the board for the applicable profession;
  - (4) a law enforcement agency;
  - (5) a governmental agency, if:
    - (A) the disclosure is required or permitted by law; and
    - (B) the agency obtaining the disclosure protects the identity of any patient whose records are examined; or
  - (6) a person engaged in bona fide research, if all information identifying a specific individual has been deleted.
- (c) Unless good cause for delay is shown to the presiding officer at the hearing, the executive council shall provide the license holder with access to all information that the executive council intends to offer into evidence at the hearing not later than the 30th day after the date the executive council receives a written request from a license

holder who is entitled to a hearing under this chapter or from the license holder's attorney of record.

- (d) The executive council shall protect the identity of any patient whose records are examined in connection with a disciplinary investigation or proceeding against a license holder, except a patient who:
  - (1) initiates the disciplinary action; or
  - (2) has submitted a written consent to release the records.

**Sec. 507.206. SUBPOENAS.**

- (a) In the investigation of a complaint filed with the executive council, the executive director or presiding officer of the executive council may issue a subpoena to compel the attendance of a relevant witness or the production, for inspection or copying, of relevant evidence that is in this state.
- (b) A subpoena may be served personally or by certified mail.
- (c) If a person fails to comply with a subpoena, the executive council, acting through the attorney general, may file suit to enforce the subpoena in a district court in Travis County or in the county in which a hearing conducted by the executive council may be held.
- (d) On finding that good cause exists for issuing the subpoena, the court shall order the person to comply with the subpoena. The court may punish a person who fails to obey the court order.
- (e) The executive council shall pay a reasonable fee for photocopies subpoenaed under this section in an amount not to exceed the amount the executive council may charge for copies of its records.
- (f) The reimbursement of the expenses of a witness whose attendance is compelled under this section is governed by Section 2001.103, Government Code.
- (g) Information and materials subpoenaed or compiled by the executive council in connection with the investigation of a complaint may be disclosed only as provided by Section 507.205.

**Sec. 507.207. PUBLIC PARTICIPATION.** The executive council shall develop and implement policies that provide the public with a reasonable opportunity to appear before the executive council and to speak on any issue under the jurisdiction of the executive council.

## **SUBCHAPTER F. GENERAL LICENSING PROVISIONS.**

**Sec. 507.251. CRIMINAL HISTORY RECORD INFORMATION FOR LICENSE ISSUANCE.**

- (a) The executive council shall require that an applicant for a license submit a complete and legible set of fingerprints, on a form prescribed by the executive council, to the executive council or to



the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

- (b) The executive council may not issue a license to a person who does not comply with the requirement of Subsection (a).
- (c) The executive council shall conduct a criminal history record information check of each applicant for a license using information:
  - (1) provided by the individual under this section; and
  - (2) made available to the executive council by the Department of Public Safety, the Federal Bureau of Investigation, and any other criminal justice agency under Chapter 411, Government Code.
- (d) The executive council may:
  - (1) enter into an agreement with the Department of Public Safety to administer a criminal history record information check required under this section; and
  - (2) authorize the Department of Public Safety to collect from each applicant the costs incurred by the Department of Public Safety in conducting the criminal history record information check.

**Sec. 507.252. EXAMINATION RESULTS.**

- (a) The executive council shall notify each examinee of the results of an examination not later than the 30th day after the date the examination is administered. If an examination is graded or reviewed by a national testing service, the executive council shall notify each examinee of the results of the examination not later than the 14th day after the date the executive council receives the results from the testing service.
- (b) If the notice of examination results graded or reviewed by a national testing service will be delayed for longer than 90 days after the examination date, the executive council shall notify each examinee of the reason for the delay before the 90th day.
- (c) If requested in writing by a person who fails an examination, the executive council shall provide to the person an analysis of the person's performance on the examination.

**Sec. 507.253. REEXAMINATION.** The executive council by rule shall establish:

- (1) a limit on the number of times an applicant for a license who fails an examination may retake the examination; and
- (2) the requirements for retaking an examination.

**Sec. 507.254. FORM OF LICENSE.** A license issued by the executive council must include the name of the board applicable to the license holder.

**Sec. 507.255. LICENSE RENEWAL.**

- (a) A person who is otherwise eligible to renew a license may renew an unexpired license by paying the required renewal fee to the executive council before the expiration date of the license.
- (b) If the person's license has been expired for 90 days or less, the person may renew the license by paying to the executive council a fee in an amount equal to one and one-half times the required renewal fee.
- (c) If the person's license has been expired for more than 90 days but less than one year, the person may renew the license by paying to the executive council a fee in an amount equal to two times the required renewal fee.
- (d) If the person's license has been expired for one year or more, the person may not renew the license. The person may obtain a new license by submitting to reexamination and complying with the requirements and procedures for obtaining an original license.

**Sec. 507.256. RENEWAL OF EXPIRED LICENSE OF OUT-OF-STATE PRACTITIONER.**

- (a) The executive council may renew without reexamination an expired license of a person who was licensed in this state, moved to another state, and is currently licensed and has been in practice in the other state for the two years preceding the date the person applies for renewal.
- (b) The person must pay to the executive council a fee in an amount equal to two times the required renewal fee for the license.

**Sec. 507.257. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR LICENSE RENEWAL.**

- (a) An applicant renewing a license issued under this chapter shall submit a complete and legible set of fingerprints for purposes of performing a criminal history record information check of the applicant as provided by Section 507.251.
- (b) The executive council may administratively suspend or refuse to renew the license of a person who does not comply with the requirement of Subsection (a).
- (c) A license holder is not required to submit fingerprints under this section for the renewal of a license if the license holder has previously submitted fingerprints under:
  - (1) Section 507.251 for the initial issuance of the license; or
  - (2) this section as part of a prior license renewal.

**Sec. 507.258. SEARCH OF NATIONAL PRACTITIONER DATABASE.** The executive council shall establish a process to search at least one national practitioner database to determine whether another state has taken any disciplinary or other legal action against an applicant or license holder before issuing an initial or renewal license.

**Sec. 507.259. ASSISTANCE IN LICENSING DETERMINATIONS.** The executive council shall adopt rules establishing the manner in which the executive council will solicit input from and request the assistance of the applicable board for a profession regulated by the executive council when the executive council is considering an application for the issuance or renewal of a license that involves an issue related to standards of care or an applicant's professional qualifications.

## **SUBCHAPTER G. DISCIPLINARY ACTIONS AND PROCEDURES.**

### **Sec. 507.301. DISCIPLINARY ACTIONS.**

- (a) The executive council may deny, revoke, suspend, or refuse to renew a license or may reprimand a license holder if the applicant or license holder violates:
  - (1) this chapter;
  - (2) a law of this state regulating the license holder's profession;
  - (3) an executive council rule; or
  - (4) a statute or rule of another state as determined through a search conducted as provided by Section 507.258 if the violation would constitute a violation described by Subdivision (1), (2), or (3) had it occurred in this state.
- (b) The executive council may place on probation a person whose license is suspended. If a license suspension is probated, the executive council may require the person to:
  - (1) report regularly to the executive council on matters that are the basis of the probation;
  - (2) limit the person's practice to the areas prescribed by the executive council; or
  - (3) continue or review continuing professional education until the person attains a degree of skill satisfactory to the executive council in those areas that are the basis for the probation.

### **Sec. 507.302. TEMPORARY SUSPENSION.**

- (a) The executive council or a three-member committee of executive council members designated by the executive council shall temporarily suspend the license of a license holder if the executive council or committee determines from the evidence or information

- presented to it that continued practice by the license holder would constitute a continuing and imminent threat to the public welfare.
- (b) A license may be suspended under this section without notice or hearing on the complaint if:
    - (1) action is taken to initiate proceedings for a hearing before the State Office of Administrative Hearings simultaneously with the temporary suspension; and
    - (2) a hearing is held as soon as practicable under this chapter and Chapter 2001, Government Code.
  - (c) The State Office of Administrative Hearings shall hold a preliminary hearing not later than the 14th day after the date of the temporary suspension to determine if there is probable cause to believe that a continuing and imminent threat to the public welfare still exists. A final hearing on the matter shall be held not later than the 61st day after the date of the temporary suspension.

**Sec. 507.303. HEARING; ADMINISTRATIVE PROCEDURE.**

- (a) A license holder is entitled to a hearing before the State Office of Administrative Hearings before a sanction is imposed under this subchapter.
- (b) A proceeding under this subchapter is governed by Chapter 2001, Government Code.

**Sec. 507.304. SCHEDULE OF SANCTIONS.**

- (a) The executive council by rule shall adopt a broad schedule of sanctions.
- (b) The State Office of Administrative Hearings shall use the schedule for any sanction imposed under this subchapter as the result of a hearing conducted by that office.

**Sec. 507.305. INFORMAL PROCEEDINGS.**

- (a) The executive council by rule shall adopt procedures governing:
  - (1) informal disposition of a contested case under Section 2001.056, Government Code; and
  - (2) an informal proceeding held in compliance with Section 2001.054, Government Code.
- (b) Rules adopted under this section must:
  - (1) provide the complainant and the license holder with an opportunity to be heard; and
  - (2) require the presence of a member of the executive council's legal staff or an attorney employed by the attorney general to advise the executive council or the executive council's employees.

**Sec. 507.306. ASSISTANCE IN DISCIPLINARY PROCEEDINGS.**

- (a) The executive council shall adopt rules establishing the manner in which the executive council will solicit input from and request the assistance of the applicable board for a profession regulated by the executive council, regarding a disciplinary proceeding before the executive council involving an issue or complaint related to standards of care or ethical practice.
- (b) Rules adopted under this section must include a process for referring a complaint to the applicable board if the complaint alleges:
  - (1) a substantive violation of a standard of care or ethical guideline for the profession; or
  - (2) an act of a license holder that violates the profession's scope of practice.
- (c) On receiving a recommended disposition of a complaint from the applicable board, the executive council shall adopt the recommended disposition unless the executive council determines that:
  - (1) the recommended disposition would:
    - (A) have an anti-competitive effect;
    - (B) result in an administrative inconsistency; or
    - (C) raise concerns relating to good governance practices;or
  - (2) any recommended disciplinary penalty would deviate substantially from the schedule of sanctions for the applicable profession.

**SUBCHAPTER H. ADMINISTRATIVE PENALTY.**

**Sec. 507.351. IMPOSITION OF ADMINISTRATIVE PENALTY.** The executive council may impose an administrative penalty on a person licensed or regulated by the executive council if the person violates this chapter, a law regulating the applicable profession, or an executive council rule.

**Sec. 507.352. AMOUNT OF PENALTY.**

- (a) The amount of an administrative penalty may not exceed \$5,000 for each violation. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.
- (b) The amount of the penalty must be based on:
  - (1) the seriousness of the violation, including:
    - (A) the nature, circumstances, extent, and gravity of any prohibited act; and
    - (B) the hazard or potential hazard created to the health, safety, or economic welfare of the public;

- (2) the economic harm to property or the environment caused by the violation;
- (3) the history of previous violations;
- (4) the amount necessary to deter a future violation;
- (5) efforts made to correct the violation; and
- (6) any other matter that justice may require.

**Sec. 507.353. NOTICE OF VIOLATION AND PENALTY.** If the executive council determines that a violation occurred, the executive council shall give written notice of the violation to the person alleged to have committed the violation. The notice may be given by certified mail. The notice must:

- (1) include a brief summary of the alleged violation;
- (2) state the amount of the administrative penalty recommended by the executive council; and
- (3) inform the person of the person's right to a hearing on the occurrence of the violation, the amount of the penalty, or both.

**Sec. 507.354. PENALTY TO BE PAID OR HEARING REQUESTED.**

- (a) Not later than the 20th day after the date the person receives the notice under Section 507.353, the person may in writing:
  - (1) accept the executive council's determination and recommended administrative penalty; or
  - (2) request a hearing on the occurrence of the violation, the amount of the penalty, or both.
- (b) If the person accepts the executive council's determination and recommended penalty, the executive council shall issue an order and impose the recommended penalty.

**Sec. 507.355. HEARING.**

- (a) If the person requests a hearing or fails to respond in a timely manner to the notice under Section 507.353, the executive council shall set a hearing and give written notice of the hearing to the person.
- (b) An administrative law judge of the State Office of Administrative Hearings shall hold the hearing.
- (c) The administrative law judge shall make findings of fact and conclusions of law and promptly issue to the executive council a proposal for a decision as to the occurrence of the violation and the amount of any proposed administrative penalty.

**Sec. 507.356. DECISION BY EXECUTIVE COUNCIL.**

- (a) Based on the findings of fact, conclusions of law, and proposal for a decision, the executive council by order may determine that:

- (1) a violation occurred and impose an administrative penalty;  
or
  - (2) a violation did not occur.
- (b) The executive council shall give notice of the order to the person. The notice must include a statement of the right of the person to judicial review of the order.

**Sec. 507.357. OPTIONS FOLLOWING DECISION: PAY OR APPEAL.**

- (a) Not later than the 30th day after the date the executive council's order becomes final, the person shall:
  - (1) pay the administrative penalty; or
  - (2) file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both.
- (b) Within the 30-day period prescribed by Subsection (a), a person who files a petition for judicial review may:
  - (1) stay enforcement of the penalty by:
    - (A) paying the penalty to the court for placement in an escrow account; or
    - (B) giving to the court a supersedeas bond approved by the court that is:
      - (i) for the amount of the penalty; and
      - (ii) effective until judicial review of the executive council's order is final; or
  - (2) request the court to stay enforcement of the penalty by:
    - (A) filing with the court a sworn affidavit of the person stating that the person is financially unable to pay the penalty and is financially unable to give the supersedeas bond; and
    - (B) giving a copy of the affidavit to the executive council by certified mail.
- (c) If the executive council receives a copy of an affidavit under Subsection (b)(2), the executive council may file with the court a contest to the affidavit not later than the fifth day after the date the copy is received.
- (d) The court shall hold a hearing on the facts alleged in the affidavit as soon as practicable and shall stay the enforcement of the penalty on finding that the alleged facts are true. The person who files the affidavit has the burden of proving that the person is financially unable to pay the penalty or to give a supersedeas bond.

**Sec. 507.358. COLLECTION OF PENALTY.** If the person does not pay the administrative penalty and enforcement of the penalty is not stayed, the executive council may refer the matter to the attorney general for collection of the penalty.

**Sec. 507.359. DETERMINATION BY COURT.**

- (a) If the court sustains the determination that a violation has occurred, the court may uphold or reduce the amount of the administrative penalty and order the person to pay the full or reduced amount of the penalty.
- (b) If the court does not sustain the determination that a violation occurred, the court shall order that a penalty is not owed.

**Sec. 507.360. REMITTANCE OF PENALTY AND INTEREST.**

- (a) If, after judicial review, the administrative penalty is reduced or not imposed by the court, the court shall, after the judgment becomes final:
  - (1) order that the appropriate amount, plus accrued interest, be remitted to the person if the person paid the penalty; or
  - (2) order the release of the bond:
    - (A) if the person gave a supersedeas bond and the penalty is not imposed; or
    - (B) after the person pays the penalty if the person gave a supersedeas bond and the penalty is reduced.
- (b) The interest paid under Subsection (a)(1) is the rate charged on loans to depository institutions by the New York Federal Reserve Bank. The interest shall be paid for the period beginning on the date the penalty is paid and ending on the date the penalty is remitted.

**Sec. 507.361. ADMINISTRATIVE PROCEDURE.** A proceeding under this subchapter is subject to Chapter 2001, Government Code.

## **SUBCHAPTER I. OTHER PENALTIES AND ENFORCEMENT PROVISIONS.**

**Sec. 507.401. INJUNCTION.**

- (a) In addition to any other action authorized by law, the executive council may institute an action to enjoin a violation of this chapter, a law regulating the applicable profession, or an executive council rule.
- (b) An action filed under this section must be filed in Travis County, the county of the defendant's residence, or the county in which any part of the violation occurred.



- (c) The attorney general or the appropriate county or district attorney shall represent the executive council in an action under this section.

**Sec. 507.402. CIVIL PENALTY.**

- (a) A person who violates this chapter, a law regulating the applicable profession, or an executive council rule is liable to the state for a civil penalty not to exceed \$1,000 for each day of violation.
- (b) At the request of the executive council, the attorney general shall bring an action to recover a civil penalty authorized under this section.

**Sec. 507.403. CEASE AND DESIST ORDER.**

- (a) If it appears to the executive council that an unlicensed person is violating this chapter, a law regulating the applicable profession, or an executive council rule, the executive council, after notice and opportunity for a hearing, may issue a cease and desist order prohibiting the person from engaging in the activity.
- (b) A violation of an order under this section constitutes grounds for imposing an administrative penalty under Subchapter H.

**Sec. 507.404. MONITORING OF LICENSE HOLDER.** The executive council by rule shall develop a system to monitor a license holder's compliance with applicable laws and executive council rules. Rules adopted under this section must include procedures to:

- (1) monitor for compliance a license holder who is ordered by the executive council to perform certain acts; and
- (2) identify and monitor each license holder who represents a risk to the public.

# **TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS STATUTES**

## **SUBCHAPTER A. GENERAL PROVISIONS**

**Sec. 501.001. SHORT TITLE.** This chapter may be cited as the Psychologists' Licensing Act.

**Sec. 501.002. DEFINITIONS.** In this chapter:

- (1) "Board" means the Texas State Board of Examiners of Psychologists.
- (1-a) "Executive council" means the Texas Behavioral Health Executive Council.
- (2) "School psychologist" means a person who holds a license to engage in the practice of psychology under Section 501.260.
- (3) Repealed by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 2.113(1), eff. September 1, 2019.
- (4) "Psychological associate" means a person who holds a license to engage in the practice of psychology issued under Section 501.259.
- (5) "Psychologist" means a person who holds a license to engage in the practice of psychology issued under Section 501.252.

**Sec. 501.003. DEFINITION: PRACTICE OF PSYCHOLOGY.**

- (a) In this chapter:
  - (1) "Practice of psychology" means:
    - (A) the observation, description, diagnosis, evaluation, assessment, interpretation, or treatment of and intervention in human behavior by applying education, training, methods, and procedures for the purpose of:
      - (i) preventing, predicting, treating, remediating, or eliminating:
        - (a) symptomatic, maladaptive, or undesired behavior;
        - (b) emotional, interpersonal, learning, substance use, neuropsychological, cognitive, or behavioral disorders or disabilities, including those that accompany medical problems; or
        - (c) mental illness;
      - (ii) evaluating, assessing, or facilitating, by a license holder or a person who represents the person to the public by a title or description of services that includes the word "psychological,"

- "psychologist," or "psychology," the enhancement of individual, group, or organizational effectiveness, including evaluating, assessing, or facilitating:
        - (a) personal effectiveness;
        - (b) adaptive behavior;
        - (c) interpersonal relationships;
        - (d) academic, vocational, and life adjustment;
        - (e) health; or
        - (f) individual, group, or organizational performance;
      - (iii) providing psychological, neuropsychological, and psychoeducational evaluation, therapy, and remediation as well as counseling, psychoanalysis, psychotherapy, hypnosis, and biofeedback; or
      - (iv) consulting with others, including other mental health professionals, physicians, school personnel, or organizations within the scope of the provider's competency and training with respect to services provided for a specific individual; or
    - (B) the supervision of an activity or service described by Paragraph (A).
  - (2) "Psychological services" means acts or behaviors that are included within the purview of the practice of psychology.
- (b) A person is engaged in the practice of psychology if the person:
  - (1) when providing or offering to provide psychological services to another in a professional relationship, represents the person to the public by a title or description of services that includes the word "psychological," "psychologist," or "psychology";
  - (2) provides or offers to provide psychological services to individuals, groups, organizations, or the public in a professional relationship;
  - (3) is a psychologist or psychological associate employed as described by Section 501.004(a)(1) who offers or provides psychological services, other than lecture services, to the public for consideration separate from the salary that person receives for performing the person's regular duties; or
  - (4) is employed as a psychologist or psychological associate by an organization that sells psychological services, other than lecture services, to the public for consideration.
- (c) A person is not engaged in the practice of psychology based solely on the person offering, regardless of whether the person is solicited, advice, counsel, or guidance addressing or affecting the

mental, emotional, or behavioral health of another, if the person does not represent that the person is licensed under this chapter or engaged in the delivery of psychological services and does not represent that the advice, counsel, or guidance is psychological in nature, and:

- (1) the advice, counsel, or guidance is not offered in the context of a professional relationship;
- (2) if the person is offering the advice, counsel, or guidance in connection with the person's occupation, the primary focus of the occupation is not the delivery of mental, emotional, or behavioral health care services; or
- (3) the advice, counsel, or guidance is offered through an organized or structured program or peer support service that is designed to support or assist a person with a self-identified goal of changing or improving certain aspects of the person's mental, emotional, or behavioral health.

**Sec. 501.004. APPLICABILITY.**

- (a) This chapter does not apply to:
  - (1) the activity or service of a person, or the use of an official title by the person, who is employed as a psychologist or psychological associate by a regionally accredited institution of higher education if the person performs duties the person is employed by the institution to perform within the confines of the institution;
  - (2) the activity or service of a student, intern, or resident in psychology if:
    - (A) the person is pursuing a course of study to prepare for the profession of psychology under qualified supervision in a recognized training institution or facility;
    - (B) the activity or service is part of the person's supervised course of study; and
    - (C) the person is designated as a "psychological intern," as a "psychological trainee," or by another title that clearly indicates the person's training status;
  - (3) the activity or service of a licensed professional, other than a person licensed under this chapter, if:
    - (A) the activity or service is permitted under the person's license; and
    - (B) the person does not represent that the person is a psychologist or describe the service provided by using the term "psychological";

- (4) the activity or service of a recognized member of the clergy who is acting within the person's ministerial capabilities if the person does not:
    - (A) represent that the person is a psychologist; or
    - (B) describe the service provided by using the term "psychological";
  - (5) the voluntary activity or service of a person employed by or working on behalf of a charitable nonprofit organization if the person does not:
    - (A) represent that the person is a psychologist; or
    - (B) describe the service provided by using the term "psychological"; or
  - (6) the activity or service of a person who is employed by a governmental agency if the person:
    - (A) performs duties the person is employed by the agency to perform within the confines of the agency; and
    - (B) does not represent that the person is a psychologist.
- (b) For purposes of Subsection (a)(3), a licensed professional includes:
  - (1) a physician;
  - (2) an attorney;
  - (3) a registered nurse;
  - (4) a licensed vocational nurse;
  - (5) an occupational therapist;
  - (6) a licensed social worker;
  - (7) a licensed professional counselor;
  - (8) a career counselor;
  - (9) a licensed marriage and family therapist; and
  - (10) a licensed chemical dependency counselor.
- (c) This chapter does not authorize the practice of medicine as defined by the laws of this state.

## **SUBCHAPTER B. TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS**

### **Sec. 501.051. BOARD MEMBERSHIP.**

- (a) The Texas State Board of Examiners of Psychologists consists of nine members appointed by the governor with the advice and consent of the senate as follows:
  - (1) four psychologist members who have engaged in independent practice, teaching, or research in psychology for at least five years;
  - (2) two psychological associate members who have been licensed as psychological associates under this chapter for at least five years; and
  - (3) three members who represent the public.

- (a-1) One of the members appointed under Subsection (a)(1) or (a)(2) must practice as a school psychologist under Section [501.260](#).
- (b) To ensure adequate representation on the board of the diverse fields of psychology, the governor in making appointments under Subsection (a)(1) shall appoint:
  - (1) at least two members who provide psychological services;
  - (2) at least one member who conducts research in the field of psychology; and
  - (3) at least one member who teaches as a member of the faculty of a psychological training institution.
- (c) Each member of the board must be a citizen of the United States.
- (d) Appointments to the board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

**Sec. 501.052. ELIGIBILITY OF PUBLIC MEMBERS.** A person is not eligible for appointment as a public member of the board if:

- (1) the person is registered, certified, or licensed by an occupational regulatory agency in the field of health services;
- (2) the person's spouse is registered, certified, or licensed by an occupational regulatory agency in the field of mental health; or
- (3) the person or the person's spouse:
  - (A) is employed by or participates in the management of a business entity or other organization regulated by the board or receiving funds from the board;
  - (B) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by the board or receiving funds from the board; or
  - (C) uses or receives a substantial amount of tangible goods, services, or funds from the board, other than compensation or reimbursement authorized by law for board membership, attendance, or expenses.

**Sec. 501.053. MEMBERSHIP RESTRICTIONS.**

- (a) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.
- (b) A person may not be a member of the board if:
  - (1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of health services; or

- (2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of mental health.
- (c) A person may not be a member of the board if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the board.

**Sec. 501.054. TERMS; VACANCY.**

- (a) Members of the board serve staggered six-year terms, with the terms of three members expiring October 31 of each odd-numbered year.
- (b) A member who is appointed for a term of less than six years may be reappointed to one successive full six-year term. A member who is appointed for a full six-year term may not be reappointed for the six years following the expiration of the member's term.
- (c) If a vacancy occurs during a member's term, the governor shall appoint a replacement to fill the unexpired term.

**Sec. 501.055. GROUNDS FOR REMOVAL.**

- (a) It is a ground for removal from the board that a member:
  - (1) does not have at the time of taking office the qualifications required by Sections 501.051 and 501.052;
  - (2) does not maintain during service on the board the qualifications required by Sections 501.051 and 501.052;
  - (3) is ineligible for membership under Section 501.053;
  - (4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term;or
  - (5) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the board.
- (b) The validity of an action of the board is not affected by the fact that it is taken when a ground for removal of a board member exists.
- (c) If the executive director of the executive council has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the board of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the board, who shall then notify the governor and the attorney general that a potential ground for removal exists.

**Sec. 501.056. PER DIEM; REIMBURSEMENT.**

- (a) Each board member is entitled to a per diem set by legislative appropriation for each day the member engages in board business.
- (b) A member may not receive reimbursement for travel expenses, including expenses for meals and lodging. A member is entitled to reimbursement for transportation expenses as provided by the General Appropriations Act.
- (c) All per diem and reimbursement for expenses authorized by this section shall be paid only from fees collected under this chapter.

**Sec. 501.057. OFFICERS; MEETINGS.**

- (a) The governor shall designate a member of the board as the presiding officer of the board to serve in that capacity at the pleasure of the governor. The board shall hold an annual meeting during which the board shall select from its members an assistant presiding officer.
- (b) The board may hold other regular meetings as provided by board rule. The board shall hold meetings at least twice each year. Special meetings may be called as necessary or by a majority of the board members.
- (c) The board shall give reasonable notice of all meetings in the manner provided by board rule.

**Sec. 501.058. OATH OF OFFICE.** Before entering office, a board member must file with the secretary of state the constitutional oath taken by the person.

**Sec. 501.059. TRAINING PROGRAM FOR MEMBERS.**

- (a) A person who is appointed to and qualifies for office as a member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.
- (b) The training program must provide the person with information regarding:
  - (1) the law governing board operations;
  - (2) the programs, functions, rules, and budget of the board;
  - (3) the scope of and limitations on the rulemaking authority of the board;
  - (4) the types of board rules, interpretations, and enforcement actions that may implicate federal antitrust law by limiting competition or impacting prices charged by persons engaged in a profession or business the board regulates, including any rule, interpretation, or enforcement action that:
    - (A) regulates the scope of practice of persons in a profession or business the board regulates;



- (B) restricts advertising by persons in a profession or business the board regulates;
  - (C) affects the price of goods or services provided by persons in a profession or business the board regulates; or
  - (D) restricts participation in a profession or business the board regulates;
- (5) the results of the most recent formal audit of the board;
- (6) the requirements of:
  - (A) laws relating to open meetings, public information, administrative procedure, and disclosure of conflicts of interest; and
  - (B) other laws applicable to members of the board in performing their duties; and
- (7) any applicable ethics policies adopted by the board or the Texas Ethics Commission.
- (c) A person appointed to the board is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.
- (d) The executive director of the executive council shall create a training manual that includes the information required by Subsection (b). The executive director shall distribute a copy of the training manual annually to each board member. Each member of the board shall sign and submit to the executive director a statement acknowledging that the member received and has reviewed the training manual.

## **SUBCHAPTER D. POWERS AND DUTIES**

### **Sec. 501.151. GENERAL POWERS AND DUTIES OF EXECUTIVE COUNCIL.**

- (a) Repealed by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 2.113(4), eff. September 1, 2019.
- (b) Repealed by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 2.113(4), eff. September 1, 2019.
- (c) The executive council shall adopt and publish a code of ethics under this chapter.
- (d) The executive council may certify the specialty of health service providers under this chapter.

### **Sec. 501.1515. BOARD DUTIES.** The board shall propose to the executive council:

- (1) rules regarding:

- (A) the qualifications necessary to obtain a license, including rules limiting an applicant's eligibility for a license based on the applicant's criminal history;
  - (B) the scope of practice of and standards of care and ethical practice for psychology; and
  - (C) continuing education requirements for license holders; and
- (2) a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

**Sec. 501.155. VOLUNTARY GUIDELINES.**

- (a) The executive council may cooperate with an agency that is not subject to this chapter to formulate voluntary guidelines to be observed in the training, activities, and supervision of persons who perform psychological services.
- (b) Except as provided by Subsection (a), the executive council may not adopt a rule that relates to the administration of an agency that is not subject to this chapter.

**Sec. 501.158. COMPETENCY REQUIREMENTS.**

- (a) This section applies to a person who is:
  - (1) applying to take the license examination;
  - (2) applying for a license or license renewal;
  - (3) currently licensed under this chapter; or
  - (4) otherwise providing psychological services under a license approved by the executive council under this chapter.
- (b) On a determination by the executive council based on the executive council's reasonable belief that a person is not physically and mentally competent to provide psychological services with reasonable skill and safety to patients or has a physical or mental disease or condition that would impair the person's competency to provide psychological services, the executive council may request the person to submit to:
  - (1) a physical examination by a physician approved by the executive council; or
  - (2) a mental examination by a physician or psychologist approved by the executive council.
- (c) The executive council shall issue an order requiring a person who refuses to submit to an examination under this section to show cause for the person's refusal at a hearing on the order scheduled for not later than the 30th day after the date notice is served on the person. The executive council shall provide notice under this section by personal service or by registered mail, return receipt requested.

- (d) At the hearing, the person may appear in person and by counsel and present evidence to justify the person's refusal to submit to examination. After the hearing, the executive council shall issue an order requiring the person to submit to examination under this section or withdrawing the request for the examination.
- (e) Unless the request is withdrawn, the executive council may take disciplinary action against a person who refuses to submit to the physical or mental examination.
- (f) An appeal from the executive council's order under this section is governed by Chapter 2001, Government Code.

## **SUBCHAPTER F. GENERAL LICENSE REQUIREMENTS**

**Sec. 501.251. LICENSE REQUIRED.** A person may not engage in or represent that the person is engaged in the practice of psychology unless the person is licensed under this chapter or exempt under Section 501.004.

**Sec. 501.252. PSYCHOLOGIST LICENSE APPLICATION.**

- (a) To be licensed under this chapter, a person must apply to the executive council for a license. The executive council shall issue a license to an applicant who:
  - (1) is qualified for the license under Section 501.2525; and
  - (2) pays the fee set by the executive council.
- (b) Repealed by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 2.113(13), eff. September 1, 2019.
- (c) Repealed by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 2.113(13), eff. September 1, 2019.
- (d) Repealed by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 2.113(13), eff. September 1, 2019.

**Sec. 501.2525. LICENSE QUALIFICATIONS.**

- (a) An applicant is qualified for a license under this chapter if the applicant:
  - (1) has received:
    - (A) a doctoral degree in psychology from a regionally accredited educational institution conferred on or after January 1, 1979; or
    - (B) a doctoral degree in psychology, or the substantial equivalent of a doctoral degree in psychology in both subject matter and extent of training, from a regionally accredited educational institution conferred before January 1, 1979;
  - (2) except as provided by Subsection (c) and Section 501.253, has:

- (A) at least two years of supervised experience in the field of psychological services, one year of which may be as part of the doctoral program and at least one year of which began after the date the person's doctoral degree was conferred by an institution of higher education; and
  - (B) passed any examination required by Section 501.256;
- (3) has attained the age of majority;
- (4) is physically and mentally competent to provide psychological services with reasonable skill and safety, as determined by the executive council;
- (5) is not afflicted with a mental or physical disease or condition that would impair the applicant's competency to provide psychological services;
- (6) has not been convicted of a crime involving moral turpitude or a felony;
- (7) does not use drugs or alcohol to an extent that affects the applicant's professional competency;
- (8) has not engaged in fraud or deceit in making the application; and
- (9) except as provided by Section 501.263, has not:
  - (A) aided or abetted the practice of psychology by a person not licensed under this chapter in representing that the person is licensed under this chapter;
  - (B) represented that the applicant is licensed under this chapter to practice psychology when the applicant is not licensed; or
  - (C) practiced psychology in this state without a license under this chapter or without being exempt under this chapter.
- (b) In determining under Subsection (a)(1)(B) whether a degree is substantially equivalent to a doctoral degree in psychology, the executive council shall consider whether, at the time the degree was conferred, the doctoral program met the prevailing standards for training in the area of psychology, including standards for training in clinical, school, and industrial counseling.
- (c) Subsection (a)(2)(A) does not apply to an applicant who:
  - (1) is licensed in good standing in another state to independently practice psychology; and
  - (2) has independently practiced psychology in that state for at least five years.
- (d) For purposes of Subsection (a)(2)(A), experience is supervised only if the experience is supervised by a psychologist in the manner provided by the executive council's supervision guidelines. To determine the acceptability of an applicant's experience, the executive council may require documentary evidence of the quality,

scope, and nature of the applicant's experience. The executive council may count toward the supervised experience an applicant is required to obtain after the applicant's degree is conferred any hours of supervised experience the applicant completed as part of a degree program accredited by the American Psychological Association, the Canadian Psychological Association, or a substantially equivalent degree program.

**Sec. 501.253. PROVISIONAL STATUS FOR CERTAIN APPLICANTS.**

- (a) The executive council may issue a license with a provisional status to an applicant who has not satisfied the experience or examination requirements of Section 501.2525(a)(2) but is otherwise qualified for the license under Section 501.2525.
- (b) A license holder described by Subsection (a) is entitled to practice psychology under the supervision of a psychologist to meet the requirements for issuance of a license under Section 501.2525, except that if the license holder is licensed in another state to independently practice psychology and is in good standing in that state, the license holder is entitled to practice psychology without the supervision of a psychologist.
- (c) The executive council shall adopt rules that apply to a license holder described by Subsection (a) identifying:
  - (1) the activities that the license holder may engage in; and
  - (2) services that may be provided by the license holder.
- (d) The executive council may refuse to renew a license issued under Subsection (a) if the license holder does not meet the requirements prescribed by Section 501.2525(a)(2).
- (e) The executive council may not restrict the issuance of a license to an applicant who is licensed in another state to independently practice psychology and is in good standing in that state based on the number of years the applicant has been licensed in good standing in that state.

**Sec. 501.256. EXAMINATIONS.**

- (a) The executive council shall administer to qualified applicants at least annually any written examination required by executive council rules. An examination must be validated by an independent testing professional.
- (b) The board shall determine the subject and scope of each examination. The examination must test the applicant's knowledge of:
  - (1) the discipline and profession of psychology; and
  - (2) the laws and rules governing the profession of psychology in this state.

- (b-1) The executive council shall establish appropriate fees for examinations administered under this chapter.
- (c) The executive council may waive the discipline and professional segment of the examination requirement for an applicant who:
  - (1) is a specialist of the American Board of Professional Psychology; or
  - (2) in the executive council's judgment, has demonstrated competence in the areas covered by the examination.
- (d) The contents of the examination described by Subsection (b)(2) are the jurisprudence examination. The executive council shall administer and each applicant must pass the jurisprudence examination before the executive council may issue a license.
- (e) Repealed by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 2.113(15), eff. September 1, 2019.
- (f) Repealed by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 2.113(15), eff. September 1, 2019.
- (g) Repealed by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 2.113(15), eff. September 1, 2019.

**Sec. 501.259. LICENSING OF PSYCHOLOGICAL ASSOCIATE.**

- (a) The executive council shall set standards for the issuance of licenses to psychological personnel who hold a master's degree from an accredited university or college in a program that is primarily psychological in nature.
- (b) The executive council shall designate a person who holds a license authorized by this section by a title that includes the adjective "psychological" followed by a noun such as "associate," "assistant," "examiner," or "technician."

**Sec. 501.260. SCHOOL PSYCHOLOGIST.**

- (a) The executive council by rule shall issue a license to a school psychologist. A license issued under this section constitutes the appropriate credential for a person who provides psychological services as required by Section [21.003\(b\)](#), Education Code.
- (b) The executive council shall set the standards to qualify for a license under this section. The standards must include:
  - (1) satisfaction of minimum recognized graduate degree requirements;
  - (2) completion of graduate course work at a regionally accredited institution of higher education in:
    - (A) psychological foundations;
    - (B) educational foundations;
    - (C) interventions;
    - (D) assessments; and
    - (E) professional issues and ethics;

- (3) completion of at least 1,200 hours of supervised experience;
  - (4) receipt of a passing score on a nationally recognized qualifying examination determined to be appropriate by the executive council and on any other examination required by the executive council; and
  - (5) satisfaction of the requirements under Sections [501.2525](#)(a)(3)-(9).
- (c) The rules of practice for a school psychologist must comply with nationally recognized standards for the practice of school psychology.

**Sec. 501.261. FORM OF LICENSE.**

- (a) A license issued under this chapter must include the full name of the license holder and a unique number assigned to that license.
- (b) Repealed by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 2.113(19), eff. September 1, 2019.

**Sec. 501.262. RECIPROCAL LICENSE.** The executive council may enter into and implement agreements with other jurisdictions for the issuance of a license by reciprocity if the other jurisdiction's requirements for licensing, certification, or registration are substantially equal to the requirements of this chapter.

**Sec. 501.263. TEMPORARY LICENSE.**

- (a) The executive council may issue a temporary license to an applicant seeking to practice in this state for a limited time and limited purpose if the applicant:
  - (1) pays the required application fee;
  - (2) submits an application to the executive council in the form prescribed by the executive council;
  - (3) is licensed, certified, or registered as a psychologist or psychological associate by another state having requirements substantially equal to those prescribed by this chapter;
  - (4) is in good standing with the regulatory agency of the jurisdiction in which the person is licensed, certified, or registered;
  - (5) is supervised by a person licensed under this chapter with whom the temporary license holder may consult during the time the person holds a temporary license; and
  - (6) has passed an examination recognized by the executive council as equivalent to the examination required for a permanent license under this chapter.
- (b) A temporary license is valid only for the period specified by the executive council and for the limited purpose approved by the executive council.

- (c) The executive council may adopt rules to issue a temporary license to a person who holds a license or the equivalent from another country.
- (d) A temporary license issued under this section is not a vested property right.
- (e) A person holding a temporary license issued under this chapter shall display a sign indicating that the license is temporary. The sign must be approved by the executive council and displayed in every room in which the person provides psychological services.

**Sec. 501.264. INACTIVE STATUS.**

- (a) A psychologist may place the psychologist's license on inactive status by applying to the executive council and paying a fee established by the executive council.
- (b) A psychologist whose license is on inactive status does not accrue a penalty for late payment of the renewal fee for the license.

## **SUBCHAPTER G. LICENSE RENEWAL**

**Sec. 501.301. LICENSE EXPIRATION AND RENEWAL.**

- (a) The executive council shall adopt rules providing for the expiration and renewal of a license issued under this chapter. The rules must require a license be renewed annually or biennially.
- (b) The executive council by rule may adopt a system under which licenses expire on various dates during the year. For a year in which the expiration date is changed, the executive council shall prorate the licensing fee so that each license holder pays only the portion of the fee that is allocable to the number of months during which the license is valid. On renewal of the license on the new expiration date, the entire licensing fee is payable.

## **SUBCHAPTER H. PRACTICE BY PSYCHOLOGIST**

**Sec. 501.351. GENERAL AUTHORITY TO DELEGATE.**

- (a) A psychologist licensed under this chapter may delegate to a psychologist who holds a license described by Section 501.253, a newly licensed psychologist who is not eligible for managed care panels, a person who holds a temporary license issued under Section 501.263, or a person enrolled in a formal internship as provided by executive council rules any psychological test or service that a reasonable and prudent psychologist could delegate within the scope of sound psychological judgment if the psychologist determines that:
  - (1) the test or service can be properly and safely performed by the person;



- (2) the person does not represent to the public that the person is authorized to practice psychology; and
  - (3) the test or service will be performed in the customary manner and in compliance with any other law.
- (b) The delegating psychologist remains responsible for the psychological test or service performed by the person to whom the test or service is delegated, and the test or service is considered to be delivered by the delegating psychologist for billing purposes, including bills submitted to third-party payors. The person must inform each patient on whom the test or service is performed that the person is being supervised by a licensed psychologist.
- (c) The executive council may determine whether:
  - (1) a psychological test or service may be properly and safely delegated under this section; and
  - (2) a delegated act constitutes the practice of psychology under this chapter.
- (d) A person who is a licensed psychologist and to whom another psychologist delegates a psychological test or service under this section may represent that the person is engaged in the practice of psychology.

**Sec. 501.352. PERFORMANCE OF DELEGATED ACT DOES NOT CONSTITUTE PRACTICE OF PSYCHOLOGY.** A person to whom a psychologist delegates a psychological test or service under Section 501.351(a) is not considered to be engaged in the independent practice of psychology without a license issued under this chapter unless the person acts with the knowledge that the delegation and the action taken under the delegation violate this subtitle.

## **SUBCHAPTER I. DISCIPLINARY PROCEDURES**

**Sec. 501.401. GROUNDS FOR DISCIPLINARY ACTION.** The executive council shall take disciplinary action under Subchapter G, Chapter 507, against a license holder who:

- (1) violates this chapter or a rule adopted under this chapter;
- (2) is convicted of a felony or of any offense that would be a felony under the laws of this state, or of a violation of a law involving moral turpitude;
- (3) uses drugs or alcohol to an extent that affects the person's professional competency;
- (4) engages in fraud or deceit in connection with services provided as a psychologist;
- (5) except as provided by Section 501.263:

- (A) aids or abets the practice of psychology by a person not licensed under this chapter in representing that the person is licensed under this chapter;
- (B) represents that the person is licensed under this chapter to practice psychology when the person is not licensed; or
- (C) practices psychology in this state without a license under this chapter or without being qualified for an exemption under Section 501.004; or
- (6) commits an act for which liability exists under Chapter 81, Civil Practice and Remedies Code.

**Sec. 501.407. REMEDIAL CONTINUING EDUCATION.** The executive council may require a license holder who violates this chapter to participate in a continuing education program. The executive council shall specify the continuing education program that the person may attend and the number of hours that the person must complete to fulfill the requirements of this section.

**Sec. 501.408. CORRECTIVE ADVERTISING.** The executive council may order corrective advertising if a psychologist, individually or under an assumed name, engages in false, misleading, or deceptive advertising.

**Sec. 501.411. REMEDIAL PLAN.**

- (a) The executive council may issue and establish the terms of a remedial plan to resolve the investigation of a complaint filed under this chapter.
- (b) The executive council by rule shall establish the types of complaints or violations that may be resolved with a remedial plan. The rules must provide that a remedial plan may not be imposed to resolve a complaint:
  - (1) involving conduct that poses a significant risk of harm to a patient; or
  - (2) in which the appropriate resolution may involve revoking, suspending, limiting, or restricting a person's license.
- (c) A remedial plan may not contain a provision that:
  - (1) revokes, suspends, limits, or restricts a person's license; or
  - (2) assesses an administrative penalty against a person.
- (d) The executive council may not issue a remedial plan to resolve a complaint against a license holder if the license holder has previously entered into a remedial plan with the executive council for the resolution of a different complaint filed under this chapter.
- (e) The executive council may assess a fee against a license holder participating in a remedial plan in an amount necessary to recover the costs of administering the plan.

## **SUBCHAPTER K. OTHER PENALTIES AND ENFORCEMENT PROVISIONS**

### **Sec. 501.503. CRIMINAL PENALTY.**

- (a) A person commits an offense if the person engages in the practice of psychology or represents that the person is a psychologist in violation of this chapter.
- (b) An offense under this section is a Class A misdemeanor.
- (c) Each day a violation occurs is a separate offense.

### **Sec. 501.505. OPTION TO ORDER REFUND.**

- (a) Under an agreement resulting from an informal settlement conference, the executive council may order a license holder to refund to the person who paid for the psychological services at issue an amount not to exceed the amount the person paid to the license holder for a service regulated by this chapter instead of or in addition to imposing an administrative penalty under Subchapter H, Chapter 507.
- (b) The executive council may not include an estimation of other damages or harm in a refund order.

## **SUBCHAPTER L. PSYCHOLOGY INTERJURISDICTIONAL COMPACT**

**Sec. 501.601. PSYCHOLOGY INTERJURISDICTIONAL COMPACT.** The Psychology Interjurisdictional Compact is enacted and entered into as follows:

### **PSYCHOLOGY INTERJURISDICTIONAL COMPACT**

#### **ARTICLE I. PURPOSE**

Whereas, states license psychologists, in order to protect the public through verification of education, training and experience and ensure accountability for professional practice; and

Whereas, this Compact is intended to regulate the day to day practice of telepsychology (i.e. the provision of psychological services using telecommunication technologies) by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority; and

Whereas, this Compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for 30

days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority;

Whereas, this Compact is intended to authorize State Psychology Regulatory Authorities to afford legal recognition, in a manner consistent with the terms of the Compact, to psychologists licensed in another state;

Whereas, this Compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety;

Whereas, this Compact does not apply when a psychologist is licensed in both the Home and Receiving States; and

Whereas, this Compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice. Consistent with these principles, this Compact is designed to achieve the following purposes and objectives:

1. Increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state which the psychologist is not licensed to practice psychology;

2. Enhance the states' ability to protect the public's health and safety, especially client/patient safety;

3. Encourage the cooperation of Compact States in the areas of psychology licensure and regulation;

4. Facilitate the exchange of information between Compact States regarding psychologist licensure, adverse actions and disciplinary history;

5. Promote compliance with the laws governing psychological practice in each Compact State; and

6. Invest all Compact States with the authority to hold licensed psychologists accountable through the mutual recognition of Compact State licenses.

## **ARTICLE II. DEFINITIONS**

A. "Adverse Action" means: Any action taken by a State Psychology Regulatory Authority which finds a violation of a statute or regulation that is identified by the State Psychology Regulatory Authority as discipline and is a matter of public record.

- B. "Association of State and Provincial Psychology Boards (ASPPB)" means: the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.
- C. "Authority to Practice Interjurisdictional Telepsychology" means: a licensed psychologist's authority to practice telepsychology, within the limits authorized under this Compact, in another Compact State.
- D. "Bylaws" means: those Bylaws established by the Psychology Interjurisdictional Compact Commission pursuant to Section X for its governance, or for directing and controlling its actions and conduct.
- E. "Client/Patient" means: the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision, and/or consulting services.
- F. "Commissioner" means: the voting representative appointed by each State Psychology Regulatory Authority pursuant to Section X.
- G. "Compact State" means: a state, the District of Columbia, or United States territory that has enacted this Compact legislation and which has not withdrawn pursuant to Article XIII, Section C or been terminated pursuant to Article XII, Section B.
- H. "Coordinated Licensure Information System" also referred to as "Coordinated Database" means: an integrated process for collecting, storing, and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities.
- I. "Confidentiality" means: the principle that data or information is not made available or disclosed to unauthorized persons and/or processes.
- J. "Day" means: any part of a day in which psychological work is performed.
- K. "Distant State" means: the Compact State where a psychologist is physically present (not through the use of telecommunications technologies), to provide temporary in-person, face-to-face psychological services.
- L. "E.Passport" means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.

- M. "Executive Board" means: a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.
- N. "Home State" means: a Compact State where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than one Compact State and is practicing under the Authorization to Practice Interjurisdictional Telepsychology, the Home State is the Compact State where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than one Compact State and is practicing under the Temporary Authorization to Practice, the Home State is any Compact State where the psychologist is licensed.
- O. "Identity History Summary" means: a summary of information retained by the FBI, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization, or military service.
- P. "In-Person, Face-to-Face" means: interactions in which the psychologist and the client/patient are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies.
- Q. "Interjurisdictional Practice Certificate (IPC)" means: a certificate issued by the Association of State and Provincial Psychology Boards (ASPPB) that grants temporary authority to practice based on notification to the State Psychology Regulatory Authority of intention to practice temporarily, and verification of one's qualifications for such practice.
- R. "License" means: authorization by a State Psychology Regulatory Authority to engage in the independent practice of psychology, which would be unlawful without the authorization.
- S. "Non-Compact State" means: any State which is not at the time a Compact State.
- T. "Psychologist" means: an individual licensed for the independent practice of psychology.
- U. "Psychology Interjurisdictional Compact Commission" also referred to as "Commission" means: the national administration of which all Compact States are members.
- V. "Receiving State" means: a Compact State where the client/patient is physically located when the telepsychological services are delivered.
- W. "Rule" means: a written statement by the Psychology Interjurisdictional Compact Commission promulgated pursuant to Section XI of the Compact that

is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Commission and has the force and effect of statutory law in a Compact State, and includes the amendment, repeal or suspension of an existing rule.

X. "Significant Investigatory Information" means:

1. investigative information that a State Psychology Regulatory Authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or

2. investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified and/or had an opportunity to respond.

Y. "State" means: a state, commonwealth, territory, or possession of the United States, the District of Columbia.

Z. "State Psychology Regulatory Authority" means: the Board, office or other agency with the legislative mandate to license and regulate the practice of psychology.

AA. "Telepsychology" means: the provision of psychological services using telecommunication technologies.

BB. "Temporary Authorization to Practice" means: a licensed psychologist's authority to conduct temporary in-person, face-to-face practice, within the limits authorized under this Compact, in another Compact State.

CC. "Temporary In-Person, Face-to-Face Practice" means: where a psychologist is physically present (not through the use of telecommunications technologies), in the Distant State to provide for the practice of psychology for 30 days within a calendar year and based on notification to the Distant State.

### **ARTICLE III. HOME STATE LICENSURE**

A. The Home State shall be a Compact State where a psychologist is licensed to practice psychology.

B. A psychologist may hold one or more Compact State licenses at a time. If the psychologist is licensed in more than one Compact State, the Home State is

the Compact State where the psychologist is physically present when the services are delivered as authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

C. Any Compact State may require a psychologist not previously licensed in a Compact State to obtain and retain a license to be authorized to practice in the Compact State under circumstances not authorized by the Authority to Practice Interjurisdictional Telepsychology under the terms of this Compact.

D. Any Compact State may require a psychologist to obtain and retain a license to be authorized to practice in a Compact State under circumstances not authorized by Temporary Authorization to Practice under the terms of this Compact.

E. A Home State's license authorizes a psychologist to practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only if the Compact State:

1. Currently requires the psychologist to hold an active E.Passport;
2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;
3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;
4. Requires an Identity History Summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation FBI, or other designee with similar authority, no later than ten years after activation of the Compact; and
5. Complies with the Bylaws and Rules of the Commission.

F. A Home State's license grants Temporary Authorization to Practice to a psychologist in a Distant State only if the Compact State:

1. Currently requires the psychologist to hold an active IPC;
2. Has a mechanism in place for receiving and investigating complaints about licensed individuals;
3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;
4. Requires an Identity History Summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric



data checks compliant with the requirements of the Federal Bureau of Investigation FBI, or other designee with similar authority, no later than ten years after activation of the Compact; and

5. Complies with the Bylaws and Rules of the Commission.

#### **ARTICLE IV. COMPACT PRIVILEGE TO PRACTICE TELEPSYCHOLOGY**

A. Compact States shall recognize the right of a psychologist, licensed in a Compact State in conformance with Article III, to practice telepsychology in other Compact States (Receiving States) in which the psychologist is not licensed, under the Authority to Practice Interjurisdictional Telepsychology as provided in the Compact.

B. To exercise the Authority to Practice Interjurisdictional Telepsychology under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact State must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

- a. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, OR authorized by Provincial Statute or Royal Charter to grant doctoral degrees; OR

- b. A foreign college or university deemed to be equivalent to 1 (a) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; AND

2. Hold a graduate degree in psychology that meets the following criteria:

- a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

- b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;

- c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

- d. The program must consist of an integrated, organized sequence of study;

- e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;
- f. The designated director of the program must be a psychologist and a member of the core faculty;
- g. The program must have an identifiable body of students who are matriculated in that program for a degree;
- h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;
- i. The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degree and a minimum of one academic year of full-time graduate study for master's degree;
- j. The program includes an acceptable residency as defined by the Rules of the Commission.

3. Possess a current, full and unrestricted license to practice psychology in a Home State which is a Compact State;

4. Have no history of adverse action that violate the Rules of the Commission;

5. Have no criminal record history reported on an Identity History Summary that violates the Rules of the Commission;

6. Possess a current, active E.Passport;

7. Provide attestations in regard to areas of intended practice, conformity with standards of practice, competence in telepsychology technology; criminal background; and knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the Commission; and

8. Meet other criteria as defined by the Rules of the Commission.

C. The Home State maintains authority over the license of any psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology.

D. A psychologist practicing into a Receiving State under the Authority to Practice Interjurisdictional Telepsychology will be subject to the Receiving State's scope of practice. A Receiving State may, in accordance with that state's due process law, limit or revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology in the Receiving State and may take any other necessary actions under the Receiving State's applicable law to protect

the health and safety of the Receiving State's citizens. If a Receiving State takes action, the state shall promptly notify the Home State and the Commission.

E. If a psychologist's license in any Home State, another Compact State, or any Authority to Practice Interjurisdictional Telepsychology in any Receiving State, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a Compact State under the Authority to Practice Interjurisdictional Telepsychology.

## **ARTICLE V. COMPACT TEMPORARY AUTHORIZATION TO PRACTICE**

A. Compact States shall also recognize the right of a psychologist, licensed in a Compact State in conformance with Article III, to practice temporarily in other Compact States (Distant States) in which the psychologist is not licensed, as provided in the Compact.

B. To exercise the Temporary Authorization to Practice under the terms and provisions of this Compact, a psychologist licensed to practice in a Compact State must:

1. Hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded:

- a. Regionally accredited by an accrediting body recognized by the U.S. Department of Education to grant graduate degrees, OR authorized by Provincial Statute or Royal Charter to grant doctoral degrees; OR

- b. A foreign college or university deemed to be equivalent to 1 (a) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) or by a recognized foreign credential evaluation service; AND

2. Hold a graduate degree in psychology that meets the following criteria:

- a. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists;

- b. The psychology program must stand as a recognizable, coherent, organizational entity within the institution;

c. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;

d. The program must consist of an integrated, organized sequence of study;

e. There must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities;

f. The designated director of the program must be a psychologist and a member of the core faculty;

g. The program must have an identifiable body of students who are matriculated in that program for a degree;

h. The program must include supervised practicum, internship, or field training appropriate to the practice of psychology;

i. The curriculum shall encompass a minimum of three academic years of full-time graduate study for doctoral degrees and a minimum of one academic year of full-time graduate study for master's degree;

j. The program includes an acceptable residency as defined by the Rules of the Commission.

3. Possess a current, full and unrestricted license to practice psychology in a Home State which is a Compact State;

4. No history of adverse action that violate the Rules of the Commission;

5. No criminal record history that violates the Rules of the Commission;

6. Possess a current, active IPC;

7. Provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the Commission; and

8. Meet other criteria as defined by the Rules of the Commission.

C. A psychologist practicing into a Distant State under the Temporary Authorization to Practice shall practice within the scope of practice authorized by the Distant State.

D. A psychologist practicing into a Distant State under the Temporary Authorization to Practice will be subject to the Distant State's authority and law. A Distant State may, in accordance with that state's due process law, limit or revoke a psychologist's Temporary Authorization to Practice in the Distant State and may take any other necessary actions under the Distant State's applicable law to protect the health and safety of the Distant State's citizens. If

a Distant State takes action, the state shall promptly notify the Home State and the Commission.

E. If a psychologist's license in any Home State, another Compact State, or any Temporary Authorization to Practice in any Distant State, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a Compact State under the Temporary Authorization to Practice.

## **ARTICLE VI. CONDITIONS OF TELEPSYCHOLOGY PRACTICE IN A RECEIVING STATE**

A. A psychologist may practice in a Receiving State under the Authority to Practice Interjurisdictional Telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate State Psychology Regulatory Authority, as defined in the Rules of the Commission, and under the following circumstances:

1. The psychologist initiates a client/patient contact in a Home State via telecommunications technologies with a client/patient in a Receiving State;
2. Other conditions regarding telepsychology as determined by Rules promulgated by the Commission.

## **ARTICLE VII. ADVERSE ACTIONS**

A. A Home State shall have the power to impose adverse action against a psychologist's license issued by the Home State. A Distant State shall have the power to take adverse action on a psychologist's Temporary Authorization to Practice within that Distant State.

B. A Receiving State may take adverse action on a psychologist's Authority to Practice Interjurisdictional Telepsychology within that Receiving State. A Home State may take adverse action against a psychologist based on an adverse action taken by a Distant State regarding temporary in-person, face-to-face practice.

C. If a Home State takes adverse action against a psychologist's license, that psychologist's Authority to Practice Interjurisdictional Telepsychology is terminated and the E.Passport is revoked. Furthermore, that psychologist's Temporary Authorization to Practice is terminated and the IPC is revoked.

1. All Home State disciplinary orders which impose adverse action shall be reported to the Commission in accordance with the Rules promulgated by the Commission. A Compact State shall report adverse actions in accordance with the Rules of the Commission.

2. In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the Rules of the Commission.

3. Other actions may be imposed as determined by the Rules promulgated by the Commission.

D. A Home State's Psychology Regulatory Authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a licensee which occurred in a Receiving State as it would if such conduct had occurred by a licensee within the Home State. In such cases, the Home State's law shall control in determining any adverse action against a psychologist's license.

E. A Distant State's Psychology Regulatory Authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under Temporary Authorization Practice which occurred in that Distant State as it would if such conduct had occurred by a licensee within the Home State. In such cases, Distant State's law shall control in determining any adverse action against a psychologist's Temporary Authorization to Practice.

F. Nothing in this Compact shall override a Compact State's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the Compact State's law. Compact States must require psychologists who enter any alternative programs to not provide telepsychology services under the Authority to Practice Interjurisdictional Telepsychology or provide temporary psychological services under the Temporary Authorization to Practice in any other Compact State during the term of the alternative program.

G. No other judicial or administrative remedies shall be available to a psychologist in the event a Compact State imposes an adverse action pursuant to subsection C, above.

## **ARTICLE VIII. ADDITIONAL AUTHORITIES INVESTED IN A COMPACT STATE'S PSYCHOLOGY REGULATORY AUTHORITY**

A. In addition to any other powers granted under state law, a Compact State's Psychology Regulatory Authority shall have the authority under this Compact to:

1. Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a Compact State's Psychology Regulatory Authority for the attendance and testimony of witnesses, and/or the production of evidence from another Compact State shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing State Psychology Regulatory Authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

2. Issue cease and desist and/or injunctive relief orders to revoke a psychologist's Authority to Practice Interjurisdictional Telepsychology and/or Temporary Authorization to Practice.

3. During the course of any investigation, a psychologist may not change his/her Home State licensure. A Home State Psychology Regulatory Authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The Home State Psychology Regulatory Authority shall promptly report the conclusions of such investigations to the Commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his/her Home State licensure. The Commission shall promptly notify the new Home State of any such decisions as provided in the Rules of the Commission. All information provided to the Commission or distributed by Compact States pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The Commission may create additional rules for mandated or discretionary sharing of information by Compact States.

## **ARTICLE IX. COORDINATED LICENSURE INFORMATION SYSTEM**

A. The Commission shall provide for the development and maintenance of a Coordinated Licensure Information System (Coordinated Database) and reporting system containing licensure and disciplinary action information on

all psychologists individuals to whom this Compact is applicable in all Compact States as defined by the Rules of the Commission.

B. Notwithstanding any other provision of state law to the contrary, a Compact State shall submit a uniform data set to the Coordinated Database on all licensees as required by the Rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Significant investigatory information;
4. Adverse actions against a psychologist's license;
5. An indicator that a psychologist's Authority to Practice

Interjurisdictional Telepsychology and/or Temporary Authorization to Practice is revoked;

6. Non-confidential information related to alternative program participation information;

7. Any denial of application for licensure, and the reasons for such denial; and

8. Other information which may facilitate the administration of this Compact, as determined by the Rules of the Commission.

C. The Coordinated Database administrator shall promptly notify all Compact States of any adverse action taken against, or significant investigative information on, any licensee in a Compact State.

D. Compact States reporting information to the Coordinated Database may designate information that may not be shared with the public without the express permission of the Compact State reporting the information.

E. Any information submitted to the Coordinated Database that is subsequently required to be expunged by the law of the Compact State reporting the information shall be removed from the Coordinated Database.

## **ARTICLE X. ESTABLISHMENT OF THE PSYCHOLOGY INTERJURISDICTIONAL COMPACT COMMISSION**

A. The Compact States hereby create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission.

1. The Commission is a body politic and an instrumentality of the Compact States.



2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

#### B. Membership, Voting, and Meetings

1. The Commission shall consist of one voting representative appointed by each Compact State who shall serve as that state's Commissioner. The State Psychology Regulatory Authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the Compact State. This delegate shall be limited to:

a. Executive Director, Executive Secretary or similar executive;  
b. Current member of the State Psychology Regulatory Authority of a Compact State; OR

c. Designee empowered with the appropriate delegate authority to act on behalf of the Compact State.

2. Any Commissioner may be removed or suspended from office as provided by the law of the state from which the Commissioner is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the Compact State in which the vacancy exists.

3. Each Commissioner shall be entitled to one (1) vote with regard to the promulgation of Rules and creation of Bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A Commissioner shall vote in person or by such other means as provided in the Bylaws. The Bylaws may provide for Commissioners' participation in meetings by telephone or other means of communication.

4. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the Bylaws.

5. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Article XI.

6. The Commission may convene in a closed, non-public meeting if the Commission must discuss:

- a. Non-compliance of a Compact State with its obligations under the Compact;
- b. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
- c. Current, threatened, or reasonably anticipated litigation against the Commission;
- d. Negotiation of contracts for the purchase or sale of goods, services or real estate;
- e. Accusation against any person of a crime or formally censuring any person;
- f. Disclosure of trade secrets or commercial or financial information which is privileged or confidential;
- g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- h. Disclosure of investigatory records compiled for law enforcement purposes;
- i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the Compact; or
- j. Matters specifically exempted from disclosure by federal and state statute.

7. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

C. The Commission shall, by a majority vote of the Commissioners, prescribe Bylaws and/or Rules to govern its conduct as may be necessary or appropriate

to carry out the purposes and exercise the powers of the Compact, including but not limited to:

1. Establishing the fiscal year of the Commission;
2. Providing reasonable standards and procedures:
  - a. for the establishment and meetings of other committees; and
  - b. governing any general or specific delegation of any authority or function of the Commission;
3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the Commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each Commissioner with no proxy votes allowed;
4. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the Commission;
5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar law of any Compact State, the Bylaws shall exclusively govern the personnel policies and programs of the Commission;
6. Promulgating a Code of Ethics to address permissible and prohibited activities of Commission members and employees;
7. Providing a mechanism for concluding the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment and/or reserving of all of its debts and obligations;
8. The Commission shall publish its Bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the Compact States;
9. The Commission shall maintain its financial records in accordance with the Bylaws; and
10. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the Bylaws.

D. The Commission shall have the following powers:

1. The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rule shall have the force and effect of law and shall be binding in all Compact States;

2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Psychology Regulatory Authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected;

3. To purchase and maintain insurance and bonds;

4. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a Compact State;

5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

6. To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict of interest;

7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall strive to avoid any appearance of impropriety;

8. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;

9. To establish a budget and make expenditures;

10. To borrow money;

11. To appoint committees, including advisory committees comprised of Members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the Bylaws;

12. To provide and receive information from, and to cooperate with, law enforcement agencies;

13. To adopt and use an official seal; and

14. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.

#### E. The Executive Board

The elected officers shall serve as the Executive Board, which shall have the power to act on behalf of the Commission according to the terms of this Compact.

1. The Executive Board shall be comprised of six members:
  - a. Five voting members who are elected from the current membership of the Commission by the Commission;
  - b. One ex-officio, nonvoting member from the recognized membership organization composed of State and Provincial Psychology Regulatory Authorities.
2. The ex-officio member must have served as staff or member on a State Psychology Regulatory Authority and will be selected by its respective organization.
3. The Commission may remove any member of the Executive Board as provided in Bylaws.
4. The Executive Board shall meet at least annually.
5. The Executive Board shall have the following duties and responsibilities:
  - a. Recommend to the entire Commission changes to the Rules or Bylaws, changes to this Compact legislation, fees paid by Compact States such as annual dues, and any other applicable fees;
  - b. Ensure Compact administration services are appropriately provided, contractual or otherwise;
  - c. Prepare and recommend the budget;
  - d. Maintain financial records on behalf of the Commission;
  - e. Monitor Compact compliance of member states and provide compliance reports to the Commission;
  - f. Establish additional committees as necessary; and
  - g. Other duties as provided in Rules or Bylaws.

#### F. Financing of the Commission

1. The Commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

3. The Commission may levy on and collect an annual assessment from each Compact State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission which shall promulgate a rule binding upon all Compact States.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Compact States, except by and with the authority of the Compact State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its Bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Commission.

#### G. Qualified Immunity, Defense, and Indemnification

1. The members, officers, Executive Director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, Executive Director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or

responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, Executive Director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

## **ARTICLE XI. RULEMAKING**

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Article and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the Compact States rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule shall have no further force and effect in any Compact State.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

D. Prior to promulgation and adoption of a final rule or Rules by the Commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission; and
2. On the website of each Compact States' Psychology Regulatory Authority or the publication in which each state would otherwise publish proposed rules.

E. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
2. The text of the proposed rule or amendment and the reason for the proposed rule;
3. A request for comments on the proposed rule from any interested person; and
4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons who submit comments independently of each other;
2. A governmental subdivision or agency; or
3. A duly appointed person in an association that has having at least twenty-five (25) members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing.

1. All persons wishing to be heard at the hearing shall notify the Executive Director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the hearing if it so chooses.



4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

J. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of Commission or Compact State funds;
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

## **ARTICLE XII. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT**

### **A. Oversight**

1. The Executive, Legislative and Judicial branches of state government in each Compact State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a Compact State pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact or promulgated rules.

### **B. Default, Technical Assistance, and Termination**

1. If the Commission determines that a Compact State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

- a. Provide written notice to the defaulting state and other Compact States of the nature of the default, the proposed means of remedying the default and/or any other action to be taken by the Commission; and
- b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to remedy the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the Compact States, and all rights, privileges and benefits conferred by this Compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the Commission to the

Governor, the majority and minority leaders of the defaulting state's legislature, and each of the Compact States.

4. A Compact State which has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.

5. The Commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the state of Georgia or the federal district where the Compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

#### C. Dispute Resolution

1. Upon request by a Compact State, the Commission shall attempt to resolve disputes related to the Compact which arise among Compact States and between Compact and Non-Compact States.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

#### D. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the State of Georgia or the federal district where the Compact has its principal offices against a Compact State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and Bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

**ARTICLE XIII. DATE OF IMPLEMENTATION OF THE PSYCHOLOGY  
INTERJURISDICTIONAL COMPACT COMMISSION AND ASSOCIATED  
RULES, WITHDRAWAL, AND AMENDMENTS**

A. The Compact shall come into effect on the date on which the Compact is enacted into law in the seventh Compact State. The provisions which become effective at that time shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state which joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule which has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any Compact State may withdraw from this Compact by enacting a statute repealing the same.

1. A Compact State's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Psychology Regulatory Authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a Compact State and a Non-Compact State which does not conflict with the provisions of this Compact.

E. This Compact may be amended by the Compact States. No amendment to this Compact shall become effective and binding upon any Compact State until it is enacted into the law of all Compact States.

**ARTICLE XIV. CONSTRUCTION AND SEVERABILITY**

This Compact shall be liberally construed so as to effectuate the purposes thereof. If this Compact shall be held contrary to the constitution of any state

member thereto, the Compact shall remain in full force and effect as to the remaining Compact States.

**Sec. 501.602. RULES ADOPTED UNDER COMPACT.** The Psychology Interjurisdictional Compact Commission established under the Psychology Interjurisdictional Compact under Section 501.601 may not adopt rules that alter the requirements or scope of practice of a license issued under this chapter. Any rule adopted by the Psychology Interjurisdictional Compact Commission that purports to alter the requirements or scope of practice of a license issued under this chapter is not enforceable.

**Sec. 501.603. DISCLOSURE OF PERSONAL INFORMATION.**

- (a) In reporting information to the Coordinated Licensure Information System under Article IX of the Psychology Interjurisdictional Compact, the executive council may disclose personally identifiable information about a person who holds a license under this chapter, including the person's social security number.
- (b) The Coordinated Licensure Information System may not share personally identifiable information with a state that is not a party to the compact unless the state agrees to not disclose that information to any other person.

# **TEXAS HEALTH AND SAFETY CODE**

## **Chapter 611. Mental Health Records**

### **§611.001. Definitions.** In this chapter:

- (1) "Patient" means a person who consults or is interviewed by a professional for diagnosis, evaluation, or treatment of any mental or emotional condition or disorder, including alcoholism or drug addiction.
- (2) "Professional" means:
  - (A) a person authorized to practice medicine in any state or nation;
  - (B) a person licensed or certified by this state to diagnose, evaluate, or treat any mental or emotional condition or disorder; or
  - (C) a person the patient reasonably believes is authorized, licensed, or certified as provided by this subsection.

### **§611.002. Confidentiality of Information and Prohibition Against Disclosure.**

- (a) Communications between a patient and a professional, and records of the identity, diagnosis, evaluation, or treatment of a patient that are created or maintained by a professional, are confidential.
- (b) Confidential communications or records may not be disclosed except as provided by Section 611.004, 611.0041 or 611.0045.
- (b-1) No exception to the privilege of confidentiality under Section 611.004 may be construed to create an independent duty or requirement to disclose the confidential information to which the exception applies.
- (c) This section applies regardless of when the patient received services from a professional.

### **§611.003. Persons Who May Claim Privilege of Confidentiality.**

- (a) The privilege of confidentiality may be claimed by:
  - (1) the patient;
  - (2) a person listed in Section 611.004(a)(4) or (a)(5) who is acting on the patient's behalf; or
  - (3) the professional, but only on behalf of the patient.
- (b) The authority of a professional to claim the privilege of confidentiality on behalf of the patient is presumed in the absence of evidence to the contrary.

**§611.004. Authorized Disclosure on Confidential Information Other Than in Judicial or Administrative Proceeding.**

- (a) A professional may disclose confidential information only:
  - (1) to a governmental agency if the disclosure is required or authorized by law;
  - (2) to medical, mental health, or law enforcement personnel if the professional determines that there is a probability of imminent physical injury by the patient to the patient or others or there is a probability of immediate mental or emotional injury to the patient;
  - (3) to qualified personnel for management audits, financial audits, program evaluations, or research, in accordance with Subsection (b);
  - (4) to a person who has the written consent of the patient, or a parent if the patient is a minor, or a guardian if the patient has been adjudicated as incompetent to manage the patient's personal affairs;
  - (5) to the patient's personal representative if the patient is deceased;
  - (6) to individuals, corporations, or governmental agencies involved in paying or collecting fees for mental or emotional health services provided by a professional;
  - (7) to other professionals and personnel under the professionals' direction who participate in the diagnosis, evaluation, or treatment of the patient;
  - (8) in an official legislative inquiry relating to a state hospital or state school as provided by Subsection (c);
  - (9) to designated persons or personnel of a correctional facility in which a person is detained if the disclosure is for the sole purpose of providing treatment and health care to the person in custody;
  - (10) to an employee or agent of the professional who requires mental health care information to provide mental health care services or in complying with statutory, licensing, or accreditation requirements, if the professional has taken appropriate action to ensure that the employee or agent:
    - (A) will not use or disclose the information for any other purposes; and
    - (B) will take appropriate steps to protect the information; or
  - (11) to satisfy a request for medical records of a deceased or incompetent person pursuant to Section 74.051(e), Civil Practice and Remedies Code.

- (a-1) No civil, criminal, or administrative cause of action exists against a person described by Section 611.001(2)(A) or (B) for the disclosure of confidential information in accordance with Subsection (a)(2). A cause of action brought against the person for the disclosure of the confidential information must be dismissed with prejudice.
- (b) Personnel who receive confidential information under Subsection (a)(3) may not directly or indirectly identify or otherwise disclose the identity of a patient in a report or in any other manner.
- (c) The exception in Subsection (a)(8) applies only to records created by the state hospital or state school or by the employees of the hospital or school. Information or records that identify a patient may be released only with the patient's proper consent.
- (d) A person who receives information from confidential communications or records may not disclose the information except to the extent that disclosure is consistent with the authorized purposes for which the person first obtained the information. This subsection does not apply to a person listed in Subsection (a)(4) or (a)(5) who is acting on the patient's behalf.

**§611.0041.Required Disclosure of Confidential Information Other Than in Judicial or Administrative Proceeding.**

- (a) In this Section:
  - (1) “Patient” has the meaning assigned by §552.0011.
  - (2) “State hospital” has the meaning assigned by §552.0011.
- (b) To the extent permitted by federal law, a professional shall disclose confidential information to the descendant of a patient of a state hospital if:
  - (1) the patient has been deceased for at least 50 years; and
  - (2) the professional does not have information indicating that releasing the medical record is inconsistent with any prior expressed preference of the deceased patient or personal representatives of the deceased patient’s estate.
- (c) A person who receives information from confidential communications or records may not disclose the information except to the extent that disclosure is consistent with the authorized purposes for which the person first obtained the information.



**§611.0045. Right to Mental Health Record.**

- (a) Except as otherwise provided by this section, a patient is entitled to have access to the content of a confidential record made about the patient.
- (b) The professional may deny access to any portion of a record if the professional determines that release of that portion would be harmful to the patient's physical, mental, or emotional health.
- (c) If the professional denies access to any portion of a record, the professional shall give the patient a signed and dated written statement that having access to the record would be harmful to the patient's physical, mental, or emotional health and shall include a copy of the written statement in the patient's records. The statement must specify the portion of the record to which access is denied, the reason for denial, and the duration of the denial.
- (d) The professional who denies access to a portion of a record under this section shall redetermine the necessity for the denial at each time a request for the denied portion is made. If the professional again denies access, the professional shall notify the patient of the denial and document the denial as prescribed by Subsection (c).
- (e) If a professional denies access to a portion of a confidential record, the professional shall allow examination and copying of the record by another professional if the patient selects the professional to treat the patient for the same or a related condition as the professional denying access.
- (f) The content of a confidential record shall be made available to a person listed by Section 611.004(a)(4) or (5) who is acting on the patient's behalf.
- (g) A professional shall delete confidential information about another person who has not consented to the release, but may not delete information relating to the patient that another person has provided, the identity of the person responsible for that information, or the identity of any person who provided information that resulted in the patient's commitment.
- (h) If a summary or narrative of a confidential record is requested by the patient or other person requesting release under this section, the professional shall prepare the summary or narrative.
- (i) The professional or other entity that has possession or control of the record shall grant access to any portion of the record to which access is not specifically denied under this

section within a reasonable time and may charge a reasonable fee.

- (j) Notwithstanding Section 159.002, Occupations Code, this section applies to the release of a confidential record created or maintained by a professional, including a physician, that relates to the diagnosis, evaluation, or treatment of a mental or emotional condition or disorder, including alcoholism or drug addiction.
- (k) The denial of a patient's access to any portion of a record by the professional or other entity that has possession or control of the record suspends, until the release of that portion of the record, the running of an applicable statute of limitations on a cause of action in which evidence relevant to the cause of action is in that portion of the record.

**§611.005. Legal Remedies for Improper Disclosure or Failure to Disclose.**

- (a) A person aggrieved by the improper disclosure of or failure to disclose confidential communications or records in violation of this chapter may petition the district court of the county in which the person resides for appropriate relief, including injunctive relief. The person may petition a district court of Travis County if the person is not a resident of this state.
- (b) In a suit contesting the denial of access under Section 611.0045, the burden of proving that the denial was proper is on the professional who denied the access.
- (c) The aggrieved person also has a civil cause of action for damages.

**§611.006. Authorized Disclosure of Confidential Information in Judicial or Administrative Proceeding.**

- (a) A professional may disclose confidential information in:
  - (1) a judicial or administrative proceeding brought by the patient or the patient's legally authorized representative against a professional, including malpractice proceedings;
  - (2) a license revocation proceeding in which the patient is a complaining witness and in which disclosure is relevant to the claim or defense of a professional;
  - (3) a judicial or administrative proceeding in which the patient waives the patient's right in writing to the privilege of confidentiality of information or when a representative of the patient acting on the patient's behalf submits a written waiver to the confidentiality privilege;

- (4) a judicial or administrative proceeding to substantiate and collect on a claim for mental or emotional health services rendered to the patient;
  - (5) a judicial proceeding if the judge finds that the patient, after having been informed that communications would not be privileged, has made communications to a professional in the course of a court-ordered examination relating to the patient's mental or emotional condition or disorder, except that those communications may be disclosed only with respect to issues involving the patient's mental or emotional health;
  - (6) a judicial proceeding affecting the parent-child relationship;
  - (7) any criminal proceeding, as otherwise provided by law;
  - (8) a judicial or administrative proceeding regarding the abuse or neglect, or the cause of abuse or neglect, of a resident of an institution, as that term is defined by Chapter 242;
  - (9) a judicial proceeding relating to a will if the patient's physical or mental condition is relevant to the execution of the will;
  - (10) an involuntary commitment proceeding for court-ordered treatment or for a probable cause hearing under:
    - (A) Chapter 462;
    - (B) Chapter 574; or
    - (C) Chapter 593; or
  - (11) a judicial or administrative proceeding where the court or agency has issued an order or subpoena.
- (b) On granting an order under Subsection (a)(5), the court, in determining the extent to which disclosure of all or any part of a communication is necessary, shall impose appropriate safeguards against unauthorized disclosure.

**§611.007. Revocation of Consent.**

- (a) Except as provided by Subsection (b), a patient or a patient's legally authorized representative may revoke a disclosure consent to a professional at any time. A revocation is valid only if it is written, dated, and signed by the patient or legally authorized representative.
- (b) A patient may not revoke a disclosure that is required for purposes of making payment to the professional for mental health care services provided to the patient.

- (c) A patient may not maintain an action against a professional for a disclosure made by the professional in good faith reliance on an authorization if the professional did not have notice of the revocation of the consent.

**§611.008. Request by Patient.**

- (a) On receipt of a written request from a patient to examine or copy all or part of the patient's recorded mental health care information, a professional, as promptly as required under the circumstances but not later than the 15th day after the date of receiving the request, shall:
  - (1) make the information available for examination during regular business hours and provide a copy to the patient, if requested; or
  - (2) inform the patient if the information does not exist or cannot be found.
- (b) Unless provided for by other state law, the professional may charge a reasonable fee for retrieving or copying mental health care information and is not required to permit examination or copying until the fee is paid unless there is a medical emergency.
- (c) A professional may not charge a fee for copying mental health care information under Subsection (b) to the extent the fee is prohibited under Subchapter M, Chapter 161.

## **OTHER RELEVANT LAWS**

Council rule 882.36 requires that licensees comply with all applicable state and federal statutes. Please note, this is not an all-inclusive list of state statutes which are pertinent to the practice of behavioral health in Texas. Additionally, the text of Texas Health and Safety Code, Chapter 611, Mental Health Records, is provided.

### **Texas Family Code:**

**Chapter 32, Consent to Medical, Dental, Psychological and Surgical Treatment**

**Chapter 153, Rights of Parents and Other Conservators to Consent to Treatment of Child and Access to Child's Records**

**Chapter 107, Special Appointments, Child Custody Evaluations and Adoption Evaluations**

**Chapter 261, Duty to Report Child Abuse and Neglect**

### **Texas Human Resource Code:**

**Chapter 48, Duty to Report Abuse of Elderly or Disabled Person**

### **Texas Civil Practice and Remedies Code:**

**Chapter 81, Duty to Report Sexual Exploitation of a Patient by a Mental Health Services Provider**

## **Texas Occupations Code:**

### **Chapter 116, Training Course on Human Trafficking Prevention**