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03/25/2026**



*Texas Behavioral Health
Executive Council and Texas State
Board of Social Worker Examiners*
Rules

TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL NEW, AMENDED, REPEALED RULES

The following is a list of the rules which have been added, amended, or repealed since the last update to these rules.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 Act and Rules of the Council – February 2026

- 881.2. Definitions (*amended*)
- 882.42. Ineligibility Due to Criminal History (*amended*)
- 882.60. Special Provisions Applying to Military Service Members, Veterans, and Spouses (*amended*)
- 882.61. Special Licensing Provisions for Service Members and Military Spouses (*amended*)
- 884.11. Informal Conferences (*amended*)
- 885.1. Executive Council Fees (*amended*)

Online 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*)

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 41, Texas Behavioral Health Executive Council. To view rules that have been proposed but not finally adopted by the Board, access the following website: <https://texreg.sos.state.tx.us/public/regviewctx>

TEXAS STATE BOARD OF SOCIAL WORKER EXAMINERS NEW, AMENDED, REPEALED RULES

The following is a list of the rules which have been added, amended, or repealed since the last update to these rules.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 – January 2026

- 781.102. Definitions (*amended*)
- 781.302. The Practice of Social Work (*amended*)
- 781.303. General Standards of Practice (*amended*)
- 781.322. Child Custody Evaluations (*amended*)
- 781.401. Qualifications for Licensure (*amended*)
- 781.402. Clinical Supervision for LCSW and Non-Clinical Supervision for Independent Practice Recognition (*repeal*)
- 781.402. Types of Supervision (*new*)
- 781.403. Independent Practice Recognition (Non-Clinical) (*repeal*)
- 781.403. Supervision Process (*new*)
- 781.404. Recognition as a Supervisor (*amended*)
- 781.405. Application for Licensure (*repeal*)
- 781.405. Clinical Supervision for Licensed Clinical Social Worker (*new*)
- 781.406. Required Documentation of Qualification for Licensure (*repeal*)
- 781.406. Independent Practice Recognition (*new*)
- 781.407. Prohibited Independent Practice (*new*)
- 781.419. Licensing of Military Service Members, Military Veterans, and Military Spouses (*amended*)
- 781.805. Schedule of Sanction (*amended*)

Online Act and Rules of the Board – June 2025

- 781.501. Requirements for Continuing Education (*amended*)

Online Act and Rules of the Board – January 2025

- 781.306. Professional Representation (*amended*)
- 781.310. Billing and Financial Relationships (*amended*)
- 781.313. Corporations and Business Names (*repealed*)
- 781.804. Other Actions (*amended*)
- 781.805. Schedule of Sanctions (*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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<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 34, Texas State Board of Social Worker Examiners. To view rules that have been proposed but not finally adopted by the Board, access the following website:

<https://texreg.sos.state.tx.us/public/regviewctx>.

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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) "SP" or "LSP" refers to an individual licensed as a school psychologist 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
Amended: March 18, 2026*

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.

Adopted to be effective: September 1, 2020
Amended: September 21, 2022

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:
- (1) shall 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) shall revoke or suspend a license for unprofessional conduct in accordance with §105.002 of the Occupations Code;
 - (3) shall revoke a license due to a license holder's imprisonment following a felony conviction for:
 - (A) an offense that directly relates to the duties and responsibilities of the licensed occupation;
 - (B) an offense listed in Article 42A.054, Code of Criminal Procedure; or
 - (C) a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure;
 - (4) shall revoke a license due to a license holder's felony community supervision revocation, revocation of parole, or revocation of mandatory supervision; or
 - (5) may revoke a license due to a license holder's imprisonment following a felony conviction.
- (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 rule.

Adopted to be effective: September 1, 2020

Amended: March 7, 2023; March 18, 2026

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 good standing in another jurisdiction that has a similar scope of practice as the license sought in this state as defined by the Texas Occupations Code; 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) 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.

- (e) 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.
- (f) 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.
- (g) 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; March 18, 2026

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;

- (3) the service member or military spouse submits proof of location in this state (e.g. copy of a permanent change of station order); 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) 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.
 - (c) 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.
 - (d) 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.
 - (e) 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.
 - (f) This 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.
 - (g) Notwithstanding subsection (d) 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 this section to obtain authorization to practice may continue to practice under the authority of this rule until the third anniversary of the date the spouse submitted the application for authorization.

Adopted to be effective: September 1, 2020

Amended: February 27, 2022; September 21, 2023; March 18, 2026

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's or member board's 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, agreed or consent order, or dismissal.
- (b) 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 at a time separate and apart from the other.
- (c) Agency staff may solicit input from and request the assistance of board members if there are concerns about the standard of care, scope of practice, or ethical practice shown by a licensee.
- (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

Amended: March 18, 2026

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>
§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 licensee 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:

<u>Fees</u>	<u>Total Fee</u>	<u>Base</u>	<u>Texas.gov</u>	<u>OPP</u>	<u>eStrategy</u>
<u>APPLICATION FEES</u>					
<u>Social Workers</u>					
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			
<u>Marriage and Family Therapists</u>					
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		
<u>Professional Counselors</u>					

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			
<u>Psychologists/Psychological Associates/School Psychologist</u>					
LPA Application	\$ 144.00	\$ 135.00	\$ 4.00	\$ 5.00	
LP Application (including reciprocity applications)	\$ 425.00	\$ 410.00	\$ 10.00	\$ 5.00	
School Psychologist Application	\$ 252.00	\$ 239.00	\$ 8.00	\$ 5.00	
Temporary License Application	\$ 103.00	\$ 100.00	\$ 3.00		
<u>RENEWAL FEES</u>					
<u>Social Workers</u>					
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			
<u>Marriage and Family Therapists</u>					
LMFT Renewal	\$ 141.00	\$ 135.00	\$ 4.00	\$ 2.00	
Additional Renewal Fee for Supervisor Status	\$ 50.00	\$ 50.00			
<u>Professional Counselors</u>					
LPC Renewal	\$ 141.00	\$ 135.00	\$ 4.00	\$ 2.00	
Additional Renewal Fee for Supervisor Status	\$ 50.00	\$ 50.00			
<u>Psychologists/Psychological Associates/School Psychologist</u>					
LPA Renewal	\$ 238.00	\$ 230.00	\$ 6.00	\$ 2.00	
LP Renewal	\$ 295.00	\$ 285.00	\$ 8.00	\$ 2.00	
School Psychologist 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			
<u>EXAMINATION FEES</u>					
<u>Social Workers</u>					
Jurisprudence Exam	\$ 39.00				\$ 39.00
<u>Marriage and Family Therapists</u>					
Jurisprudence Exam	\$ 39.00				\$ 39.00
<u>Professional Counselor</u>					
Jurisprudence Exam	\$ 39.00				\$ 39.00

<u>Psychologists/Psychological Associates/School Psychologist</u>					
Jurisprudence Exam	\$ 39.00				\$ 39.00
<u>MISCELLANEOUS FEES</u>					
Duplicate Renewal Permit	\$ 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 11x14 Wall License	\$ 50.00	\$ 48.00	\$ 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)				

- (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; March 18, 2026

TEXAS STATE BOARD OF SOCIAL WORKER EXAMINERS

Subchapter A. General Provisions.

781.101. Purpose and Scope.

- (a) This chapter implements the provisions in the Social Work Practice Act (Act), Texas Occupations Code, Chapter 505, concerning the licensure and regulation of social workers.
- (b) The Act restricts the use of the titles "social worker," "licensed master social worker," "licensed social worker," "licensed baccalaureate social worker," "licensed clinical social worker" or any other title that implies licensure or certification in social work.

Adopted to be effective: November 19, 2020

781.102. Definitions. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Accredited colleges or universities--An educational institution that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, the Texas Higher Education Coordinating Board, or the United States Department of Education.
- (2) Act--The Social Work Practice Act, Texas Occupations Code, Chapter 505, concerning the licensure and regulation of social workers.
- (3) Agency--A public or private employer, contractor or business entity providing social work services.
- (4) Assessment--An ongoing process of gathering information about and reaching an understanding of the client or client group's characteristics, perceived concerns and real problems, strengths and weaknesses, and opportunities and constraints; assessment may involve administering, scoring and interpreting instruments designed to measure factors about the client or client group.
- (5) Association of Social Work Boards (ASWB)--The international organization which represents regulatory boards of social work and administers the national examinations utilized in the assessment for licensure.
- (6) Board--Texas State Board of Social Worker Examiners.

- (7) Case record--Any information related to a client and the services provided to that client, however recorded and stored.
- (8) Client--An individual, family, couple, group or organization that receives social work services from a person identified as a social worker who is licensed by the Council.
- (9) Clinical social work--A specialty within the practice of master social work that requires applying social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or bio-psychosocial functioning of individuals, couples, families, groups, and/or persons who are adversely affected by social or psychosocial stress or health impairment. Clinical social work practice involves using specialized clinical knowledge and advanced clinical skills to assess, diagnose, and treat mental, emotional, and behavioral disorders, conditions and addictions, including severe mental illness and serious emotional disturbances in adults, adolescents and children. Treatment methods may include, but are not limited to, providing individual, marital, couple, family, and group psychotherapy. Clinical social workers are qualified and authorized to use the Diagnostic and Statistical Manual of Mental Disorders (DSM), the International Classification of Diseases (ICD), Current Procedural Terminology (CPT) codes, and other diagnostic classification systems in assessment, diagnosis, and other practice activities. The practice of clinical social work is restricted to either a Licensed Clinical Social Worker, or a Licensed Master Social Worker as described in §781.302 of this title.
- (10) Confidential information--Individually identifiable information relating to a client, including the client's identity, demographic information, physical or mental health condition, the services the client received, and payment for past, present, or future services the client received or will receive. Confidentiality is limited in cases where the law requires mandated reporting, where third persons have legal rights to the information, and where clients grant permission to share confidential information.
- (11) Counseling, clinical--The use of clinical social work to assist individuals, couples, families or groups in learning to solve problems and make decisions about

- personal, health, social, educational, vocational, financial, and other interpersonal concerns.
- (12) Counseling, supportive--The methods used to help individuals create and maintain adaptive patterns. Such methods may include, but are not limited to, building community resources and networks, linking clients with services and resources, educating clients and informing the public, helping clients identify and build strengths, leading community groups, and providing reassurance and support.
 - (13) Council--The Texas Behavioral Health Executive Council.
 - (14) Consultation--Providing advice, opinions and conferring with other professionals regarding social work practice.
 - (15) Continuing education--Education or training aimed at maintaining, improving, or enhancing social work practice.
 - (16) Council on Social Work Education (CSWE)--The national organization that accredits social work education schools and programs.
 - (17) Direct practice--Providing social work services through personal contact and immediate influence to help clients achieve goals.
 - (18) Dual or multiple relationship--A relationship that occurs when social workers interact with clients in more than one capacity, whether it be before, during, or after the professional, social, or business relationship. Dual or multiple relationships can occur simultaneously or consecutively.
 - (19) Electronic practice--Interactive social work practice that is aided by or achieved through technological methods, such as the web, the Internet, social media, electronic chat groups, interactive TV, list serves, cell phones, telephones, faxes, and other emerging technology.
 - (20) Examination--A standardized test or examination, approved by the Council, which measures an individual's social work knowledge, skills and abilities.
 - (21) Equivalent or substantially equivalent--A licensing standard or requirement for an out-of-state license that is equal to or greater than a Texas licensure requirement shall be deemed equivalent or substantially equivalent.
 - (22) Executive Director--The executive director for the Texas Behavioral Health Executive Council. The

executive director may delegate responsibilities to other staff members.

- (23) Exploitation--Using a pattern, practice or scheme of conduct that can reasonably be construed as primarily meeting the licensee's needs or benefitting the licensee rather than being in the best interest of the client. Exploitation involves the professional taking advantage of the inherently unequal power differential between client and professional. Exploitation also includes behavior at the expense of another practitioner. Exploitation may involve financial, business, emotional, sexual, verbal, religious and/or relational forms.
- (24) Field placement--A formal, supervised, planned, and evaluated experience in a professional setting under the auspices of a CSWE-accredited social work program and meeting CSWE standards.
- (25) Fraud--A social worker's misrepresentation or omission about qualifications, services, finances, or related activities or information, or as defined by the Texas Penal Code or by other state or federal law.
- (26) Full-time experience--Providing social work services thirty or more hours per week.
- (27) Group supervision for licensure or for specialty recognition--Providing supervision to a minimum of two and a maximum of six supervisees in a designated supervision session.
- (28) Health care professional--A licensee or any other person licensed, certified, or registered by the State of Texas in a health related profession.
- (29) Impaired professional--A licensee whose ability to perform social work services is impaired by the licensee's physical health, mental health, or by medication, drugs or alcohol.
- (30) Independent clinical practice--The practice of clinical social work in which the social worker, after having completed all requirements for clinical licensure, assumes responsibility and accountability for the nature and quality of client services, pro bono or in exchange for direct payment or third party reimbursement. Independent clinical social work occurs in independent settings.
- (31) Independent non-clinical practice--The unsupervised practice of non-clinical social work outside of an organizational setting, in which the social worker, after having completed all requirements for independent

- non-clinical practice recognition, assumes responsibility and accountability for the nature and quality of client services, pro bono or in exchange for direct payment or third party reimbursement.
- (32) Independent Practice Recognition--A specialty recognition related to unsupervised non-clinical social work at the LBSW or LMSW category of licensure, which denotes that the licensee has earned the specialty recognition, commonly called IPR, by successfully completing additional supervision which enhances skills in providing independent non-clinical social work.
 - (33) Individual supervision for licensure or specialty recognition--Supervision for professional development provided to one supervisee during the designated supervision session.
 - (34) LBSW--Licensed Baccalaureate Social Worker.
 - (35) LCSW--Licensed Clinical Social Worker.
 - (36) License--A regular or temporary Council-issued license, including LBSW, LMSW, and LCSW. Some licenses may carry an additional specialty recognition, such as LMSW-AP, LBSW-IPR, or LMSW-IPR.
 - (37) Licensee--A person licensed by the Council to practice social work.
 - (38) LMSW--Licensed Master Social Worker.
 - (39) LMSW-AP--Licensed Master Social Worker with the Advanced Practitioner specialty recognition for non-clinical practice. This specialty recognition will no longer be conferred after September 1, 2017. Licensees under a supervision plan for this specialty recognition before September 1, 2017 will be permitted to complete supervision and examination for this specialty recognition.
 - (40) Non-clinical social work--Professional social work which incorporates non-clinical work with individuals, families, groups, communities, and social systems which may involve locating resources, negotiating and advocating on behalf of clients or client groups, administering programs and agencies, community organizing, teaching, researching, providing employment or professional development non-clinical supervision, developing and analyzing policy, fund-raising, and other non-clinical activities.
 - (41) Person--An individual, corporation, partnership, or other legal entity.

- (42) Psychotherapy--Treatment in which a qualified social worker uses a specialized, formal interaction with an individual, couple, family, or group by establishing and maintaining a therapeutic relationship to understand and intervene in intrapersonal, interpersonal and psychosocial dynamics; and to diagnose and treat mental, emotional, and behavioral disorders and addictions.
- (43) Recognition--Authorization from the Council to engage in the independent or specialty practice of social work services.
- (44) Rules--Provisions of this chapter specifying how the Council implements the Act-as well as Title 22, Chapters 881-885 of the Texas Administrative Code.
- (45) Social work case management--Using a bio-psychosocial perspective to assess, evaluate, implement, monitor and advocate for services on behalf of and in collaboration with the identified client or client group.
- (46) Social worker--A person licensed under the Act.
- (47) Social work practice--Services which an employee, independent practitioner, consultant, or volunteer provides for compensation or pro bono to effect changes in human behavior, a person's emotional responses, interpersonal relationships, and the social conditions of individuals, families, groups, organizations, and communities. Social work practice is guided by specialized knowledge, acquired through formal social work education. Social workers specialize in understanding how humans develop and behave within social environments, and in using methods to enhance the functioning of individuals, families, groups, communities, and organizations. Social work practice involves the disciplined application of social work values, principles, and methods including, but not limited to, psychotherapy; marriage, family, and couples intervention; group therapy and group work; mediation; case management; supervision and administration of social work services and programs; counseling; assessment, diagnosis, treatment; policy analysis and development; research; advocacy for vulnerable groups; social work education; and evaluation.
- (48) Supervisor--A person who holds a social work license with the Council and has received recognition of supervisor status to provide supervision in Texas. A

Council-licensed supervisor will denote having this specialty recognition by placing a "-S" after their credential initials, e.g., LBSW-S, LMSW-S or LCSW-S.

- (49) Supervision--Supervision includes:
- (A) administrative or work-related supervision of an employee, contractor or volunteer that is not related to qualification for licensure, practice specialty recognition, a disciplinary order, or a condition of new or continued licensure;
 - (B) clinical supervision of a Licensed Master Social Worker in a setting in which the LMSW is providing clinical services; the supervision may be provided by a Licensed Professional Counselor, Licensed Psychologist, Licensed Marriage and Family Therapist, Licensed Clinical Social Worker or Psychiatrist. This supervision is not related to qualification for licensure, practice specialty recognition, a disciplinary order, or a condition of new or continued licensure;
 - (C) clinical supervision of a Licensed Master Social Worker, who is providing clinical services and is under a supervision plan to fulfill LCSW supervised experience requirements; a Licensed Clinical Social Worker with supervisor status delivers this supervision;
 - (D) non-clinical supervision of a Licensed Master Social Worker or Licensed Baccalaureate Social Worker who is providing non-clinical social work service toward qualifications for independent non-clinical practice recognition; this supervision is delivered by a licensee with an appropriate category of licensure, authorization to practice independently, and supervisor status; and
 - (E) Council-ordered supervision of a licensee by a Council-approved supervisor pursuant to a disciplinary order or as a condition of new or continued licensure.
- (50) Supervision hour--A supervision hour is a minimum of 60 minutes in length.
- (51) Termination--Ending social work services with a client.
- (52) Waiver--The suspension of educational, professional, and/or examination requirements for applicants who meet the criteria for licensure under special conditions based on appeal to the Council.

Adopted to be effective: November 19, 2020
Amended: February 4, 2021; March 18, 2026

781.202. Board Meetings.

- (a) The board shall hold at least one meeting each year and additional meetings as necessary.
- (b) The chairperson may call a meeting after consultation with board members or by a majority of members so voting at a meeting.
- (c) Meetings shall be announced and conducted under the provisions of the Texas Open Meetings Act, Government Code, Chapter 551.

Adopted to be effective: November 19, 2020

781.203. Board Training. 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 meets the requirements established in the Act.

Adopted to be effective: November 19, 2020

781.205. Board Agendas. The executive director or designee is responsible for preparing and submitting an agenda to board members prior to each meeting; the agenda is subject to the chair's approval. The agenda shall include items requested by board members, items required by law, items previously tabled, and other matters of board business.

Adopted to be effective: November 19, 2020

781.207. Elections.

- (a) At the first meeting following the last day of January of each year, the board shall elect a vice-chair.
- (b) A vacancy which occurs in the office of vice-chair may be filled at any meeting.

Adopted to be effective: November 19, 2020

781.208. Officers of the Board.

- (a) The chair, who is appointed by the governor, shall preside at all meetings which he or she attends. The chair performs all duties prescribed by law or this chapter and is authorized to make day-to-day decisions regarding board activities to make the board more effective and responsive.
- (b) The vice-chair shall perform the duties of the chair in case the chair is absent or disabled. If the office of chair becomes vacant, the vice-chair shall serve until a successor is appointed.

Adopted to be effective: November 19, 2020

781.209. Committees of the Board.

- (a) The board and/or the board chair may establish board committees, advisory committees and task forces.
- (b) The board chair shall appoint members of the board to serve on board committees and shall appoint the board committee chairs. The board chair may invite others to serve on advisory committees and task forces.
- (c) Only members of the board may be appointed to board committees.
- (d) Committee chairs shall make regular reports to the board at regular meetings.
- (e) Committees shall meet when called by the committee chair or when so directed by the board or the board chair.
- (f) Each committee shall consist of least one public member and one professional member, unless the board authorizes otherwise.

Adopted to be effective: November 19, 2020

Subchapter B. Rules of Practice

781.301. Code of Conduct. A social worker must observe and comply with the code of conduct and standards of practice set forth in this subchapter. Any violation of the code of conduct or standards of practice will constitute unethical conduct or conduct that discredits or tends to discredit the profession of social work and is grounds for disciplinary action.

- (1) A social worker shall not refuse to perform any act or service for which the person is licensed solely on the basis of a client's age; gender; race; color; religion; national origin; disability; sexual orientation; gender identity and expression; or political affiliation.
- (2) A social worker shall truthfully report her or his services, professional credentials and qualifications to clients or potential clients.
- (3) A social worker shall only offer those services that are within his or her professional competency, and shall provide services within accepted professional standards of practice, appropriate to the client's needs.
- (4) A social worker shall strive to maintain and improve her or his professional knowledge, skills and abilities.
- (5) A social worker shall base all services on an assessment, evaluation or diagnosis of the client.
- (6) A social worker shall provide the client with a clear description of services, schedules, fees and billing at the initiation of services.
- (7) A social worker shall safeguard the client's rights to confidentiality within the limits of the law.
- (8) A social worker shall be responsible for setting and maintaining professional boundaries.
- (9) A social worker shall not have sexual contact with a client or a person who has been a client.
- (10) A social worker shall refrain from providing services while impaired by physical health, mental health, medical condition, or by medication, drugs or alcohol.
- (11) A social worker shall not exploit his or her position of trust with a client or former client.
- (12) A social worker shall evaluate a client's progress on a continuing basis to guide service delivery and will make use of supervision and consultation as indicated by the client's needs.
- (13) A social worker shall refer a client for those services that the social worker is unable to meet, and shall terminate services to a client when continuing to

provide services is no longer in the client's best interest.

Adopted to be effective: November 19, 2020

781.302. The Practice of Social Work.

- (a) Practice of Baccalaureate Social Work--Applying social work theory, knowledge, methods, ethics and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations and communities. Baccalaureate Social Work is generalist practice and may include interviewing, assessment, planning, intervention, evaluation, case management, mediation, counseling, supportive counseling, direct practice, information and referral, problem solving, supervision, consultation, education, advocacy, community organization, and policy and program development, implementation, and administration. An LBSW may only practice social work in an agency employment setting or under contract with an agency, unless under a non-clinical supervision plan per §781.406(c) of this title.
- (b) Practice of Independent Non-Clinical Baccalaureate Social Work--An LBSW recognized for independent practice, known as LBSW-IPR, may provide any non-clinical baccalaureate social work services in either an employment or an independent practice setting. An LBSW-IPR may work under contract, bill directly for services, and bill third parties for reimbursements for services. An LBSW-IPR must restrict his or her independent practice to providing non-clinical social work services.
- (c) Practice of Master's Social Work--Applying social work theory, knowledge, methods and ethics and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations and communities. Master's Social Work practice may include applying specialized knowledge and advanced practice skills in assessment, treatment, planning, implementation and evaluation, case management, mediation, counseling, supportive counseling, direct practice, information and referral, supervision, consultation, education, research, advocacy, community organization and developing, implementing and administering policies, programs and activities. An LMSW may engage in Baccalaureate Social Work practice. An LMSW may only practice social work in an agency employment setting or under contract with an agency, unless under a non-clinical supervision plan per §781.406(c) of this title. An LMSW may

practice clinical social work, as defined by subsection (f) of this section, in an agency employment setting or under contract with an agency if under clinical supervision per §781.402(a)(2) of this title or under a clinical supervision plan with an LCSW supervisor per §781.402(a)(3) and §781.405(a) of this title.

- (d) Advanced Non-Clinical Practice of LMSWs--An LMSW recognized as an Advanced Practitioner (LMSW-AP) may provide any non-clinical social work services in either an employment or an independent practice setting. An LMSW-AP may work under contract, bill directly for services, and bill third parties for reimbursements for services. An LMSW-AP must restrict his or her practice to providing non-clinical social work services.
- (e) Independent Practice for LMSWs--An LMSW recognized for independent practice may provide any non-clinical social work services in either an employment or an independent practice setting. This licensee is designated as LMSW-IPR. An LMSW-IPR may work under contract, bill directly for services, and bill third parties for reimbursements for services. An LMSW-IPR must restrict his or her independent practice to providing non-clinical social work services.
- (f) Practice of Clinical Social Work--The practice of social work that requires applying social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or bio-psychosocial functioning of individuals, couples, families, groups, and/or persons who are adversely affected by social or psychosocial stress or health impairment. The practice of clinical social work requires applying specialized clinical knowledge and advanced clinical skills in assessment, diagnosis, and treatment of mental, emotional, and behavioral disorders, conditions and addictions, including severe mental illness and serious emotional disturbances in adults, adolescents, and children. The clinical social worker may engage in Baccalaureate Social Work practice and Master's Social Work practice. Clinical treatment methods may include but are not limited to providing individual, marital, couple, family, and group therapy, mediation, counseling, supportive counseling, direct practice, and psychotherapy. Clinical social workers are qualified and authorized to use the Diagnostic and Statistical Manual of Mental Disorders (DSM), the International Classification of Diseases (ICD), Current Procedural Terminology (CPT) Codes, and other diagnostic classification systems in assessment, diagnosis, treatment and other practice activities. An LCSW may

provide any clinical or non-clinical social work service or supervision in either an employment or independent practice setting. An LCSW may work under contract, bill directly for services, and bill third parties for service reimbursements.

- (g) A licensee who is not recognized for independent practice and who is not under a non-clinical supervision plan must not engage in any independent practice that falls within the definition of social work practice in §781.102 of this title unless the person is licensed in another profession and acting solely within the scope of that license. If the person is practicing professionally under another license, the person may not use the titles "licensed master social worker," "licensed social worker," or "licensed baccalaureate social worker," or any other title or initials that imply social work licensure.
- (h) An LBSW or LMSW who is not recognized for independent practice may bill directly to patients or bill directly to third party payers if the LBSW or LMSW is under a formal supervision plan.

Adopted to be effective: November 19, 2020

Amended: February 4, 2021; November 14, 2024; March 18, 2026

781.303. General Standards of Practice. This section establishes standards of professional conduct required of a social worker. The licensee, following applicable statutes:

- (1) shall not knowingly offer or provide professional services to an individual concurrently receiving professional services from another mental health services provider except with that provider's knowledge. If a licensee learns of such concurrent professional services, the licensee must immediately request release from the client to inform the other mental health services provider and strive to establish a positive and collaborative professional relationship;
- (2) shall terminate a professional relationship when it is reasonably clear that the client is not benefiting from the relationship. If continued professional services are indicated, the licensee shall take reasonable steps to facilitate transferring the client by providing the client with the name and contact information of three sources of service;
- (3) shall not evaluate any individual's mental, emotional, or behavioral condition unless the licensee has personally interviewed the individual or the licensee discloses with the evaluation that the licensee has not personally interviewed the individual;

- (4) shall not persistently or flagrantly over treat a client;
- (5) shall not aid and abet the unlicensed practice of social work by a person required to be licensed under the Act and must report to the council knowledge of any unlicensed practice;
- (6) shall not participate in any way in falsifying licensure applications or any other documents submitted to the Council;
- (7) shall ensure that, both before services commence and as services progress, the client knows the licensee's qualifications and any intent to delegate service provision; any restrictions the Council has placed on the licensee's license; the limits on confidentiality and privacy; and applicable fees and payment arrangements;
- (8) if the client must barter for services, shall ensure that the client is in no way harmed. The value of the barter shall be agreed upon in advance and shall not exceed customary charges for the service or goods; and
- (9) shall ensure that the client or a legally authorized person representing the client has signed a consent for services. A licensee shall obtain and keep a copy of the relevant portions of any court order, divorce decree, power of attorney, or letters of guardianship authorizing the individual to provide substitute consent on behalf of the minor or ward.

*Adopted to be effective: November 19, 2020
Amended: March 7, 2023; March 18, 2026*

781.304. Relationships with Clients.

- (a) A social worker shall inform in writing a prospective client about the nature of the professional relationship, which can include but is not limited to office procedures, after-hours coverage, services provided, fees, and arrangements for payment.
- (b) The social worker shall not give or receive a commission, rebate, or any other form of remuneration for referring clients.
- (c) A social worker shall not enter into a business relationship with a client. This rule does not prohibit a professional social work relationship with a client, as described in this subchapter.
- (d) A social worker shall not engage in activities that seek to primarily meet the social worker's personal needs or personal gain instead of the needs of the client.

- (e) A social worker shall be responsible for setting and maintaining professional boundaries.
- (f) A social worker shall keep accurate records of services to include, but not be limited to, dates of services, types of services, progress or case notes and billing information for a minimum of seven years after the date of termination of services for an adult client or five years beyond the age of 18 years of age for a minor, whichever is greater.
- (g) A social worker shall bill clients or third parties for only those services actually rendered or as agreed to by mutual written understanding.
- (h) A licensee shall not make any false, misleading, deceptive, fraudulent or exaggerated claim or statement about the effectiveness of the licensee's services; the licensee's qualifications, capabilities, background, training, experience, education, professional affiliations, fees, products, or publications; the type, effectiveness, qualifications, and products or services offered by an organization or agency; or the practice or field of social work.
- (i) If the licensee learns that false, misleading, deceptive, fraudulent or exaggerated statements about the services, qualifications, or products have been made, the licensee shall take reasonable steps to correct the inappropriate claims, prevent their reoccurrence, and report the incident to the Council.
- (j) A licensee shall provide social work intervention only in the context of a professional relationship.
- (k) Electronic practice may be used judiciously as part of the social work process and the supervision process. Social workers engaging in electronic practice, providing services to clients located in the State of Texas, must be licensed in Texas and adhere to provisions of this chapter.
- (l) The licensee shall not provide social work services or intervention to previous or current family members; personal friends; educational or business associates; or individuals whose welfare might be jeopardized by a dual or multiple relationship.
- (m) The licensee shall not accept from or give to a client any gift with a value in excess of \$25. If the licensee's employer prohibits giving or receiving gifts, the licensee shall comply with the employer's policy.
- (n) The licensee or relatives to the fourth degree of consanguinity or affinity of the licensee may not intentionally borrow or lend money or items of value to clients or relatives to the fourth degree of consanguinity or affinity of clients.

- (o) The licensee shall take reasonable precautions to protect individuals from physical or emotional harm resulting from interaction within individual and group settings.
- (p) A licensee shall not promote the licensee's personal or business activities that are unrelated to the current professional relationship.
- (q) A licensee shall set and maintain professional boundaries, avoiding dual or multiple relationships with clients. If a dual or multiple relationship develops, the social worker is responsible for ensuring the client is safe.
- (r) A licensee may not enter into a non-professional relationship with a client's family member or any person having a personal or professional relationship with the client, if the licensee knows or reasonably should have known such a relationship could be detrimental to the client.

Adopted to be effective: November 19, 2020

Amended: November 23, 2022

781.305. Sexual Misconduct.

- (a) Definitions.
 - (1) Sexual contact--Any touching or behavior that can be construed as sexual in nature or as defined by the Texas Penal Code, §21.01, relating to assault.
 - (2) Therapeutic deception--A licensee's act or statement representing that sexual contact or sexual exploitation between the licensee and a client or client group is a valid part of the treatment process.
 - (3) Sexual exploitation--A pattern, practice or scheme of exploitation, which may include, but is not limited to, sexual contact with a client.
- (b) A licensee shall not engage in sexual contact or sexual exploitation with a client or former client; a supervisee of the licensee; or a student at an educational institution at which the licensee provides professional or educational services.
- (c) A licensee shall not practice therapeutic deception of a client or former client.
- (d) It is not a defense to a disciplinary action under subsections (a) - (c) of this section, if the person was no longer emotionally dependent on the licensee when the sexual exploitation began, the sexual contact occurred, or the therapeutic deception occurred. It is also not a defense that the licensee terminated services with the person before the date the sexual exploitation began, the sexual contact occurred or the therapeutic deception occurred.
- (e) It is not a defense to a disciplinary action under subsections (a) - (c) of this section, if the sexual contact, sexual

exploitation, or therapeutic deception with the person occurred with the client's consent; outside appointments with the client; or off the premises the licensee used for appointments with the client.

- (f) A licensee shall report sexual misconduct in accordance with Texas Civil Practice and Remedies Code, Chapter 81, relating to sexual exploitation by a mental health services provider. If a licensee has reasonable cause to suspect that a client has been the victim of sexual exploitation, sexual contact, or therapeutic deception by another licensee or a mental health services provider, or if a client alleges sexual exploitation, sexual contact, or therapeutic deception by another licensee or a mental health services provider, the licensee shall report the alleged conduct not later than the 30th day after the date the licensee became aware of the conduct or the allegations to:
- (1) the prosecuting attorney in the county in which the alleged sexual exploitation, sexual contact or therapeutic deception occurred; and
 - (2) the Council if the conduct involves a licensee and any other state licensing agency which licenses the mental health services provider.
 - (3) Before making a report under this subsection, the licensee shall inform the alleged victim of the licensee's duty to report and shall determine if the alleged victim wants to remain anonymous.
 - (4) A report under this subsection shall contain information necessary to identify the licensee; identify the alleged victim, unless the alleged victim has requested anonymity; express suspicion that sexual exploitation, sexual contact, or therapeutic deception occurred; and provide the alleged perpetrator's name.
- (g) The following may constitute sexual exploitation if done for sexual arousal, sexual gratification, or sexual abuse of either the social worker or a person who is receiving or has received the licensee's professional services as a social worker:
- (1) sexual harassment, sexual solicitation, physical advances, verbal or nonverbal conduct that is sexual in nature;
 - (2) any behavior, gestures, comments, or expressions which may reasonably be interpreted as inappropriately seductive or sexual, including making sexual comments about a person's body or making sexually demeaning comments about an individual's sexual orientation, or making comments about potential sexual performance except when the

- comment is pertinent to issues of sexual function or dysfunction in counseling;
- (3) initiating conversation about the licensee's sexual problems, preferences, or fantasies; or requesting details of sexual history or sexual likes and dislikes when those details are not necessary for counseling;
 - (4) kissing or fondling, or making any other deliberate or repeated comments, gestures, or physical acts of a sexual nature, even if they are not sexually intimate;
 - (5) making a request to date;
 - (6) exposing genitals, anus or breasts; or
 - (7) encouraging another person to masturbate in the licensee's presence; or the licensee masturbating in front of another.

Adopted to be effective: November 19, 2020

781.306. Professional Representation.

- (a) A social worker shall not misrepresent any professional qualifications or associations.
- (b) A social worker shall not misrepresent the attributes of any agency or organization, or make unreasonable, misleading, deceptive, fraudulent, exaggerated, or unsubstantiated claims about the effectiveness of any services

Adopted to be effective: November 19, 2020

Amended: March 17, 2025

781.307. Testing.

- (a) A social worker shall inform clients about the purposes and explicit uses of any testing done as part of a professional relationship.
- (b) A social worker shall not appropriate, reproduce, or modify published tests or parts thereof without the publisher's permission.
- (c) A social worker shall not administer any test without the appropriate training and experience to administer the test.
- (d) A social worker must observe the necessary precautions to maintain the security of any test administered by the social worker or under the social worker's supervision.

Adopted to be effective: November 19, 2020

781.308. Drug and Alcohol Use. A licensee shall not use alcohol or drugs in ways that compromise the licensee's ability to practice social work.

Adopted to be effective: November 19, 2020

781.309. Client Records and Record Keeping. Following applicable statutes, the licensee shall:

- (1) keep accurate and legible records of the dates of services, types of services, progress or case notes, intake assessment, treatment plan, and billing information;
- (2) retain and dispose of client records in ways that maintain confidentiality;
- (3) in independent practice, establish a plan for the custody and control of the licensee's client records should the licensee die, become incapacitated, or cease offering professional services;
- (4) keep client records for seven years after the date of termination of services for adult clients or five years beyond the age of 18 for minor clients, whichever is greater;
- (5) provide a written explanation of the types of treatment and charges on a bill or statement to the client (this applies even if the charges are to be paid by a third party); and
- (6) comply with the requirements of Texas Health and Safety Code, Chapters 161 and 611; Texas Family Code, Chapter 261; and other applicable state law concerning confidentiality of protected health information and the release of mental health records.

Adopted to be effective: November 19, 2020

781.310. Billing and Financial Relationships.

- (a) A licensee shall not intentionally or knowingly offer to pay or agree to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, corporation, or entity for securing or soliciting clients or patronage for or from any health care professional. In accordance with the provisions of the Act, §505.451, a licensee is subject to disciplinary action if the licensee directly or indirectly offers to pay or agrees to accept remuneration to or from any person for securing or soliciting a client or patronage. Payment of credentialing or other fees to insurance companies or other third party payers to be part of an approved provider list shall not be considered as a violation of this chapter.
- (b) A licensee employed or under contract with a chemical dependency facility or a mental health facility, shall comply with the requirements in the Texas Health and Safety Code,

§164.006, relating to soliciting and contracting with certain referral sources.

- (c) A licensee shall not knowingly or flagrantly overcharge a client, and shall bill clients and/or third parties for only those services that the licensee actually renders.
- (d) Billing documents shall accurately reflect any collateral service the licensee uses to help serve the client.
- (e) A licensee may not submit to a client and/or a third party payer a bill for services that the licensee knows were not provided, with the exception of a missed appointment, or knows were improper, unreasonable or unnecessary.

Adopted to be effective: November 19, 2020

Amended: March 17, 2025

781.311. Client Confidentiality.

- (a) Communication between a licensee and client, as well as the client's records, however created or stored, are confidential under the provisions of the Texas Health and Safety Code, Chapter 181, Texas Health and Safety Code, Chapter 611, and other state or federal statutes or rules, including rules of evidence, where such statutes or rules apply to a licensee's practice.
- (b) A licensee shall not disclose any communication, record, or client identity except as provided in the Texas Health and Safety Code, the Health Insurance Portability and Accountability Act (HIPAA), and/or other applicable state or federal statutes or rules.
- (c) A licensee shall comply with Texas Health and Safety Code, Chapter 611, concerning access to mental health records.
- (d) To release information for or about clients, a licensee shall have written permission signed by the client or the client guardian. That permission, which must be dated, shall include the client's name and identifying information; the purpose for releasing the information; the individual or entity to which the information is released; the length of time the release is authorized; the signature of the client or guardian representative; and date of signature.
- (e) The social worker shall maintain the written release of information in the permanent client record and shall review and update it at least every twelve months.
- (f) A licensee shall report information if required by any of the following statutes:
 - (1) Texas Family Code, Chapter 261, concerning abuse or neglect of minors;

- (2) Texas Human Resources Code, Chapter 48, concerning abuse, neglect, or exploitation of elderly or disabled persons;
 - (3) Texas Health and Safety Code, §161.131 et seq., concerning abuse, neglect, and illegal, unprofessional, or unethical conduct in an in-patient mental health facility, a chemical dependency treatment facility or a hospital providing comprehensive medical rehabilitation services; and
 - (4) Texas Civil Practice and Remedies Code, §81.006, concerning sexual exploitation by a mental health services provider.
- (g) A licensee may take reasonable action to inform only medical or law enforcement personnel if the professional determines that a client or others are at imminent risk of physical injury, or a client is in immediate risk of mental or emotional injury, in accordance with the Texas Health and Safety Code, Chapter 611, concerning mental health records.

Adopted to be effective: November 19, 2020

781.312. Licensees and the Council.

- (a) Any person licensed as a social worker is bound by the provisions of the Act and this chapter and Council rules and statutes.
- (b) A social worker shall report alleged misrepresentations or violations of this chapter to the Council.

Adopted to be effective: November 19, 2020

Amended: June 1, 2021

781.316. Advertising and Announcements.

- (a) Social workers' advertisements and announcements shall not contain deceptive, inaccurate, incomplete, out-of-date, or out-of-context information about services or competence. Advertising includes, but is not limited to, any announcement of services, letterhead, business cards, commercial products, website entries, email, cell phone communications, social media communications, and billing statements.
- (b) The Council imposes no restrictions on the advertising medium a social worker uses, including personal appearances, use of personal voice, size or duration of the advertisement or use of a trade name.
- (c) All advertisements or announcements of a licensee's professional services, including website pages, social media communications, or telephone directory listings, shall clearly

state the social worker's licensure designation and any specialty recognition, if any.

- (d) A social worker shall not announce or advertise any information or reference to the social worker's certification in a field outside of social work that is deliberately intended to mislead the public.
- (e) A licensee who retains or hires others to advertise or promote the licensee's practice remains responsible for the statements and representations made.

Adopted to be effective: November 19, 2020

781.317. Research and Publications.

- (a) In research with a human subject, a social worker is responsible for the subject's welfare throughout a project, shall obtain informed consent and take reasonable precautions so that the subject shall suffer no injurious emotional, physical or social effect.
- (b) A social worker shall disguise data obtained from a professional relationship for the purposes of education or research to ensure full protection of the identity of the subject client.
- (c) When conducting and reporting research, a social worker must recognize previous work on the topic, as well as observe all copyright laws.
- (d) A social worker must give due credit through joint authorship, acknowledgment, footnote statements, Internet sources, or other appropriate means to those who have contributed significantly to the social worker's research or publication.

Adopted to be effective: November 19, 2020

781.318. Providing Social Studies. Licensee shall comply with the Texas Family Code, Chapter 107, and other applicable laws when providing social studies.

Adopted to be effective: November 19, 2020

781.319. Licensed Sex Offender Treatment. A social worker who is licensed as a sex offender treatment provider by the Council on Sex Offender Treatment is not subject to disciplinary action by the Council in relation to the social worker's provision of sex offender treatment. A social worker who is a sex offender treatment provider and who acts in conformance with the rules, policies, and procedures of the Council on Sex Offender Treatment is not subject to any administrative sanction by the Council. If the Council on Sex Offender Treatment takes disciplinary action against a social worker who is a sex offender treatment provider, the Council may

consider the final order imposing such disciplinary action as grounds for disciplinary action by the Council.

Adopted to be effective: November 19, 2020

781.320. Parent Coordination.

- (a) In accordance with the Family Code, §153.601(3), "parenting coordinator" means an impartial third party:
 - (1) who, regardless of the title by which the person is designated by the court, performs any function described in the Family Code, §153.606, in a suit; and
 - (2) who:
 - (A) is appointed under Family Code, Chapter 153, Subchapter K (relating to Parenting Plan, Parenting Coordinator, and Parenting Facilitator) by the court on its own motion, or on a motion or agreement of the parties, to assist parties in resolving parenting issues through confidential procedures; and
 - (B) is not appointed under another statute or a rule of civil procedure.
- (b) A licensee who serves as a parenting coordinator is not acting under the authority of a license issued by the Council, and is not engaged in the practice of social work. The services provided by the licensee who serves as a parenting coordinator are not within the jurisdiction of the Council, but rather the jurisdiction of the appointing court.
- (c) A licensee who serves as a parenting coordinator has a duty to provide the information in subsection (b) of this section to the parties to the suit.
- (d) Records of a licensee serving as a parenting coordinator are confidential under the Civil Practices and Remedies Code, §154.073. Licensees serving as a confidential parenting coordinator shall comply with the Civil Practices and Remedies Code, Chapter 154, relating to the release of information.
- (e) A licensee shall not provide social work services to any person while simultaneously providing parenting coordination services. This section shall not apply if the court enters a finding that mental health services are not readily available in the location where the parties reside.

Adopted to be effective: November 19, 2020

781.321. Parenting Facilitation.

- (a) In accordance with House Bill 1012, 81st Legislature, Regular Session, 2009, and Family Code, Chapter 153, this

section establishes the practice standards for licensees who desire to serve as parenting facilitators.

- (b) In accordance with the Family Code, §153.601(3-a), a “parenting facilitator” means an impartial third party:
 - (1) who, regardless of the title by which the person is designated by the court, performs any function described by the Family Code, §153.6061, in a suit; and
 - (2) who:
 - (A) is appointed under Family Code, Chapter 153, Subchapter K (relating to Parenting Plan, Parenting Coordinator, and Parenting Facilitator) by the court on its own motion, or on a motion or agreement of the parties, to assist parties in resolving parenting issues through procedures that are not confidential; and
 - (B) is not appointed under another statute or a rule of civil procedure.
- (c) Notwithstanding any other provision of this chapter, licensees who desire to serve as parenting facilitators shall comply with all applicable requirements of the Family Code, Chapter 153, and this section. Licensees shall also comply with all requirements of this chapter unless a provision is clearly inconsistent with the Family Code, Chapter 153, or this section.
- (d) In accordance with the Family Code, §153.6102I, a licensee serving as a parenting facilitator shall not provide other social work services to any person while simultaneously providing parenting facilitation services. This section shall not apply if the court enters a finding that mental health services are not readily available in the location where the parties reside.
- (e) A licensee serving as a parenting facilitator utilizes child-focused alternative dispute resolution processes, assists parents in implementing their parenting plan by facilitating the resolution of disputes in a timely manner, educates parents about children’s needs, and engages in other activities as referenced in the Family Code, Chapter 153.
- (f) A licensee serving as a parenting facilitator shall assist the parties involved in reducing harmful conflict and in promoting the best interests of the children.
- (g) A licensee serving as a parenting facilitator functions in four primary areas in providing services.
 - (1) Conflict management function. The primary role of the parenting facilitator is to assist the parties to work out disagreements regarding the children to minimize

- conflict. To assist the parents in reducing conflict, the parenting facilitator may monitor the electronic or written exchanges of parent communications and suggest productive forms of communication that limit conflict between the parents.
- (2) Assessment function. A parenting facilitator shall review applicable court orders, including protective orders, social studies, and other relevant records to analyze the impasses and issues as brought forth by the parties.
 - (3) Educational function. A parenting facilitator shall educate the parties about child development, divorce, the impact of parental behavior on children, parenting skills, and communication and conflict resolution skills.
 - (4) Coordination/case management function. A parenting facilitator shall work with the professionals and systems involved with the family (for example, mental health, health care, social services, education, or legal) as well as with extended family, stepparents, and significant others as necessary.
- (h) A licensee serving as a parenting facilitator shall be alert to the reasonable suspicion of acts of domestic violence directed at a parent, a current partner, or children. The parenting facilitator shall adhere to protection orders, if any, and take reasonable measures to ensure the safety of the participants, the children and the parenting facilitator, while understanding that even with appropriate precautions a guarantee that no harm will occur can be neither stated nor implied.
 - (i) In order to protect the parties and children in domestic violence cases involving power, control and coercion, a parenting facilitator shall tailor the techniques used so as to avoid offering the opportunity for further coercion.
 - (j) A licensee serving as a parenting facilitator shall be alert to the reasonable suspicion of substance abuse by parents or children, as well as mental health impairment of a parent or child.
 - (k) A licensee serving as a parenting facilitator shall not provide legal advice.
 - (l) A licensee serving as a parenting facilitator shall serve by written agreement of the parties and/or formal order of the court.
 - (m) A licensee serving as a parenting facilitator shall not initiate providing services until the licensee has received and

reviewed the fully executed and filed court order or the signed agreement of the parties.

- (n) A licensee serving as a parenting facilitator shall maintain impartiality in the process of parenting facilitation. Impartiality means freedom from favoritism or bias in word, action, or appearance, and includes a commitment to assist all parties, as opposed to any one individual.
- (o) A licensee serving as a parenting facilitator:
 - (1) shall terminate or withdraw services if the licensee determines the licensee cannot act in an impartial or objective manner;
 - (2) shall not give or accept a gift, favor, loan or other item of value from any party having an interest in the parenting facilitation process;
 - (3) shall not coerce or improperly influence any party to make a decision;
 - (4) shall not intentionally or knowingly misrepresent or omit any material fact, law, or circumstance in the parenting facilitator process; and
 - (5) shall not accept any engagement, provide any service, or perform any act outside the role of parenting facilitation that would compromise the facilitator's integrity or impartiality in the parenting facilitation process.
- (p) A licensee serving as a parenting facilitator may make referrals to other professionals to work with the family, but shall avoid actual or apparent conflicts of interest by referrals. No commissions, rebates, or similar remuneration shall be given or received by a licensee for parenting facilitation or other professional referrals.
- (q) A licensee serving as a parenting facilitator should attempt to bring about resolution of issues by agreement of the parties; however, the parenting facilitator is not acting in a formal mediation role. An effort towards resolving an issue, which may include therapeutic, mediation, education, and negotiation skills, does not disqualify a licensee from making recommendations regarding any issue that remains unresolved after efforts of facilitation.
- (r) A licensee serving as a parenting facilitator shall communicate with all parties, attorneys, children, and the court in a manner which preserves the integrity of the parenting facilitation process and considers the safety of the parents and children.
- (s) A licensee serving as a parenting facilitator:

- (1) may meet individually or jointly with the parties, as deemed appropriate by the parenting facilitator, and may interview the children;
 - (2) may interview any individuals who provide services to the children to assess the children's needs and wishes; and
 - (3) may communicate with the parties through face-to-face meetings or electronic communication.
- (t) A licensee serving as a parenting facilitator shall, prior to the beginning of the parenting facilitation process and in writing, inform the parties of:
- (1) the limitations on confidentiality in the parenting facilitation process; and
 - (2) the basis of fees and costs and the method of payment, including any fees associated with postponement, cancellation and/or nonappearance, and the parties' pro rata share of the fees and costs as determined by the court order or written agreement of the parties.
- (u) Information obtained during the parenting facilitation process shall not be shared outside the parenting facilitation process except for professional purposes, as provided by court order, by written agreement of the parties, or as directed by the Council.
- (v) In the initial session with each party, a licensee serving as a parenting facilitator shall review the nature of the parenting facilitator's role with the parents to ensure that they understand the parenting facilitation process.
- (w) A licensee serving as a parenting facilitator:
- (1) shall comply with all mandatory reporting requirements, including but not limited to Family Code, Chapter 261, concerning abuse or neglect of minors;
 - (2) shall report to law enforcement or other authorities if they have reason to believe that any participant appears to be at serious risk to harm themselves or a third party;
 - (3) shall maintain records necessary to support charges for services and expenses, and shall make a detailed accounting of those charges to the parties and their counsel, if requested to do so;
 - (4) shall maintain notes regarding all communications with the parties, the children, and other persons with whom they speak about the case; and
 - (5) shall maintain records in a manner that is professional, legible, comprehensive, and inclusive of information and documents that relate to the

parenting facilitation process and that support any recommendations made by the licensee.

- (x) Records of a licensee serving as a parenting facilitator are not mental health records and are not subject to the disclosure requirements of Health and Safety Code, Chapter 611. At a minimum, records shall be maintained for the period of time described in §781.209(4) of this title (relating to Client Records and Record Keeping), or as otherwise directed by the court.
- (y) Records of a licensee serving as a parenting facilitator shall be released on the request of either parent, as directed by the court, or as directed by the Council.
- (z) Charges for parenting facilitation services shall be based upon the actual time expended by the parenting facilitator, or as directed by the written agreement of the parties, and/or formal order of the court.
- (aa) All fees and costs shall be appropriately divided between the parties as directed by the court order of appointment and/or as noted in the parenting facilitators' written fee disclosure to the parties.
- (bb) Fees may be disproportionately divided fees if one parent is disproportionately creating a need for services and if such a division is outlined in the court order of appointment and/or as noted in the parenting facilitators' written fee disclosure to the parties.
- (cc) Services and activities for which a licensee serving as a parenting facilitator may charge include time spent interviewing parents, children and collateral sources of information; preparation of agreements, correspondence, and reports; review of records and correspondence; telephone and electronic communication; travel; court preparation; and appearances at hearings, depositions and meetings.
- (dd) The minimum training for a licensee serving as a parenting facilitator that is required by the Family Code, §153.6101(b), and is determined by the court is:
 - (1) eight hours of family violence dynamics training provided by a family violence service provider;
 - (2) 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;
 - (3) 24 classroom hours of training in the fields of family dynamics, child development, family law; and
 - (4) 16 hours of training in the laws and Council rules governing parenting coordination and facilitation, and

the multiple styles and procedures used in different models of service.

- (ee) A licensee serving as a parenting facilitator:
 - (1) shall complete minimum training as required by the Family Code, §153.6101, as determined by the appointing court;
 - (2) shall have extensive practical experience with high conflict or litigating parents;
 - (3) shall complete and document upon request advanced training in family dynamics, child maltreatment, co-parenting, and high conflict separation and divorce; and
 - (4) shall regularly complete continuing education related to co-parenting issues, high-conflict families and the parenting coordination and facilitation process.
- (ff) A licensee serving as a parenting facilitator shall decline an appointment, withdraw, or request appropriate assistance when the facts and circumstances of the case are beyond the licensee's skill or expertise.
- (gg) Since parenting facilitation services are addressed under multiple titles in different jurisdictions nationally, acceptability of training to meet the requirements of subsection (dd) of this section is based on functional skills taught during the training rather than the use of specific titles or names.

Adopted to be effective: November 19, 2020

781.322. Child Custody Evaluations.

- (a) Licensees shall comply with Texas Family Code, Chapter 107, Subchapters D, E, and F, concerning Child Custody Evaluation, Adoption Evaluation, and Evaluations in Contested Adoptions.
- (b) A licensee who has completed a doctoral degree and at least 10 court-ordered child custody evaluations under the supervision of an individual qualified by the Texas Family Code, Chapter 107 to perform child custody evaluations is qualified to conduct child custody evaluations under Texas Family Code, Chapter 107. All other licensees must comply with the qualification requirements stipulated in Texas Family Code, Chapter 107.
 - (1) 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.

- (2) In addition to the qualifications prescribed by this rule, to be qualified to conduct a child custody evaluation, an individual must complete, during the two-year period preceding the evaluation, at least three hours of initial or continuing training, as applicable, related to the care of a child with an intellectual disability or developmental disability, including education, therapy, preparation for independent living, or methods for addressing physical or mental health challenges.
- (c) Any complaint relating to the outcome of a child custody evaluation or adoption evaluation conducted by a licensee must be reported to the court that ordered the evaluation, Council rule §884.3 of this title.
- (d) Disclosure of confidential information in violation of Texas Family Code §§107.111, 107.1111, or 107.163, or failure to redact any social security numbers or child's birth date from records subject to disclosure under 107.112 before making the records available, is grounds for disciplinary action, up to and including revocation of license, by the Council.
- (e) 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, disability claim, or criminal prosecution, must comply with all applicable Council rules in this chapter regardless of whether the licensee is acting as a factual witness or an expert.
- (f) A licensee may not provide therapy and any other type of service, including but not limited to a child custody evaluation or parenting facilitation, in the same case, whether such services are delivered sequentially or simultaneously.
- (g) Licensees 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 relating to the child under Texas Family Code, Chapter 107, Subchapter D.
- (h) Prior to beginning child custody evaluations or adoption evaluations, licensees shall inform the parties in writing of:
 - (1) the limitations on confidentiality in the evaluation process; and
 - (2) the basis of fees and costs and the method of payment, including any fees associated with postponement, cancelation and/or nonappearance, and the parties' pro rata share of the fees and costs as determined by the court order or written agreement of the parties.

- (i) A Licensed Baccalaureate Social Worker shall not conduct child custody evaluations or adoption evaluations unless qualified to provide such services by another professional license or otherwise by Texas Family Code, Chapter 107.

Adopted to be effective: November 19, 2020

Amended: March 18, 2026

781.323. Technology in Social Work Practice. When social workers use technology to provide services, they are subject to all rules and statutes, including this chapter and Occupations Code, Chapter 505, as if providing face to face services.

Adopted to be effective: November 19, 2020

Subchapter C. Application and Licensing.

781.401. Qualifications for Licensure.

- (a) The following education and experience is required for licensure as designated.
 - (1) Licensed Clinical Social Worker (LCSW).
 - (A) Has been conferred a doctoral or master's degree in social work from a Council on Social Work Education (CSWE)- accredited social work program, or a doctoral degree in social work from an accredited institution of higher learning acceptable to the Council.
 - (B) Has documentation in the form of a university transcript of successfully completing a field placement in social work.
 - (C) Has had 3000 hours of supervised professional clinical experience over a period of at least 24 months, or its equivalent if the experience was completed in another jurisdiction. Hours accrued in non-clinical settings may be used to satisfy the requirements of this rule if the applicant works at least 4 hours per week providing clinical social work as defined in §781.102 of this title.
 - (D) Has had a minimum of 100 hours of supervision, over the course of the 3000 hours of supervised experience, with a qualified supervisor. If the social worker completed supervision in another jurisdiction, the social worker shall have the supervision verified by the regulatory authority in the other jurisdiction. If such verification is impossible, the social worker may request that the Council accept alternate verification of supervision. If an applicant for a license has held a substantially equivalent license in good standing in another jurisdiction for one year immediately preceding the date of application, the applicant will be deemed to have met the experience requirement under this chapter.
 - (E) Has passed the Clinical examination administered nationally by ASWB.
 - (2) Licensed Master Social Worker (LMSW).
 - (A) Has been conferred a doctoral or master's degree in social work from a social work program that is

- qualifications for independent non-clinical practice recognition.
- (5) Council-ordered supervision of a licensee by an approved supervisor pursuant to a disciplinary order or as a condition of new or continued licensure.
- (b) A licensee with supervisor status may perform the following supervisory functions.
- (1) An LCSW may supervise clinical experience toward the LCSW license, non-clinical experience toward the Independent Practice Recognition (non-clinical), and Council-ordered supervision.
 - (2) An LMSW with the Independent Practice Recognition (non-clinical) or Advanced Practitioner (AP) recognition may supervise an LBSW's or LMSW's non-clinical experience toward the non-clinical Independent Practice Recognition, and an LBSW or LMSW (non-clinical) under Council-ordered supervision.
 - (3) An LBSW with the non-clinical Independent Practice Recognition may supervise an LBSW's non-clinical experience toward the non-clinical Independent Practice Recognition, and an LBSW under Council-ordered supervision.
- (c) A supervisor shall supervise only those supervisees who provide services that fall within the supervisor's own competency.

Adopted to be effective: March 18, 2026

781.403. Supervision Process.

- (a) A supervisor providing any form of supervision, other than administrative or work-related supervision described in §781.402(a)(1) of this title, must comply with the following:
- (1) The supervisor is obligated to keep legible, accurate, complete, signed supervision notes and must be able to produce such documentation for the Council if requested. The notes shall document the content, duration, and date of each supervision session.
 - (2) A social worker may only provide supervision to a supervisee employed in another setting with written approval of the employer. A copy of the approval must be kept in the supervisor's files.
 - (3) A supervisor who is otherwise compensated for supervisory duties may not charge or collect a fee or anything of value from the supervisee for the supervision services provided to the supervisee.

- (4) The supervisor shall ensure that the supervisee knows and adheres to the laws and rules governing the practice of social work.
 - (5) A supervisor shall not be employed by or under the employment supervision of the person who he or she is supervising.
 - (6) A supervisor shall not be a family member of the person being supervised.
 - (7) The supervisor and supervisee shall avoid forming any relationship with each other that impairs the objective, professional judgment and prudent, ethical behavior of either.
- (b) All supervision toward licensure or specialty recognition must meet the following conditions.
- (1) The supervisor shall keep a supervision file on each supervisee that includes:
 - (A) a supervision plan;
 - (B) a clearly defined job description and list of responsibilities for each of the supervisee's positions held during the supervised experience, including a discussion of any position or duties not subject to supervision;
 - (C) a list of locations where the supervisee provides supervised services;
 - (D) a log of experience and supervision earned by the supervisee that reflects the date and duration of each supervision meeting, the accumulated hours of non-clinical experience, and the accumulated hours of clinical supervised experience, if any;
 - (E) an established plan for the custody and control of the records of supervision for the supervisee in the event of the supervisor's death or incapacity or termination of the supervisor's practice,
 - (F) copy of written approval from the supervisee's employing agency agreeing to outside supervision, and
 - (G) a copy of any written plan for remediation of the supervisee described in 781.403(d) of this section.
 - (2) A supervisor is responsible for developing a well-conceptualized supervision plan with the supervisee, and for updating that plan whenever there is a change in agency of employment, job function, goals for

supervision, or method by which supervision is provided.

- (3) Before entering into a supervisory plan, the supervisor shall be aware of actual or intended service terms and conditions between a supervisee and their clients. The supervisor shall not provide supervision if the supervisee is practicing outside the authorized scope of the license. If the supervisor believes that a social worker is practicing outside the scope of the license, the supervisor shall make a report to the Council.
- (4) Supervision toward licensure or specialty recognition may occur in one-on-one sessions, in group sessions, or in a combination of one-on-one and group sessions. Sessions may transpire in the same geographic location, or via audio, web technology or other electronic supervision techniques that comply with HIPAA and Texas Health and Safety Code, Chapter 611, and/or other applicable state or federal statutes or rules.
- (5) Supervision groups shall have no fewer than two supervisees and no more than six.
- (6) The Council considers supervision toward licensure or specialty recognition to be supervision which promotes professional growth. Therefore, all supervision formats must encourage clear, accurate communication between the supervisor and the supervisee, including case-based communication that meets standards for confidentiality. Though the Council favors supervision formats in which the supervisor and supervisee are in the same geographical place for a substantial part of the supervised experience, the Council also recognizes that some current and future technology, such as using reliable, technologically-secure computer cameras and microphones, can allow personal face-to-face, though remote, interaction, and can support professional growth. Supervision formats must be clearly described in the supervision plan, explaining how the supervision strategies and methods of delivery meet the supervisee's professional growth needs and ensure that confidentiality is protected.
- (7) Supervision toward licensure or specialty recognition must extend over a full 3000 hours over a period of not less than 24 full months for Licensed Clinical Social Worker (LCSW) or Independent Practice Recognition (IPR). Even if the individual completes the minimum of 3000 hours of supervised experience and

minimum of 100 hours of supervision prior to 24 months from the start date of supervision, supervision which meets the Council's minimum requirements shall extend to a minimum of 24 full months.

- (8) Supervision shall occur in proportion to the number of actual hours worked for the 3,000 hours of supervised experience. No more than 10 hours of supervision may be counted in any one month, or 30-day period, as appropriate, towards satisfying minimum requirements for licensure or specialty recognition.
- (c) A supervisor who agrees to provide Council-ordered supervision of a licensee must understand the Council order and follow the supervision stipulations outlined in the order. The supervisor must address with the licensee those professional behaviors that led to Council discipline, and must help to remediate those concerns while assisting the licensee to develop strategies to avoid repeating illegal, substandard, or unethical behaviors.
- (d) If the supervisor determines that the supervisee lacks the professional skills and competence to practice social work under an independent license, the supervisor shall develop and implement a written remediation plan for the supervisee. If a supervisee receives a remediation plan, the supervisee must provide a copy of the remediation plan to any other current or future supervisors, as well as any relevant documentation regarding successful completion of the plan.
- (e) The supervisor and the supervisee bear professional responsibility for the supervisee's professional activities. Supervisees notified of a pending complaint against them must inform each of their supervisors of the complaint.
- (f) A supervisee who provides client services for payment or reimbursement shall submit billing to the client or third-party payers which clearly indicates:
 - (1) the services provided;
 - (2) who provided the services;
 - (3) the supervisee's licensure category; and
 - (4) the fact that the licensee is under supervision.
- (g) If either the supervisor's or supervisee's license is revoked, suspended, placed on probated suspension, or becomes delinquent or expired during supervision, supervision hours accumulated during that time will not be accepted unless approved by the Council.

Adopted to be effective: March 18, 2026

781.404. Recognition as a Council-approved Supervisor and the Supervision Process.

- (a) A person who wishes to hold supervisor status must file an application, pay the applicable fee, and meet the following qualifications.
 - (1) Be actively licensed in good standing by the Council as an LBSW, an LMSW, or an LCSW.
 - (2) Have practiced in the category of licensure for two years.
 - (3) Have completed a 40-hour supervisor's training program acceptable to the Council.
- (b) Licensed practice in another jurisdiction under an equivalent scope of practice may count toward the two-year minimum experience requirement.
- (c) At a minimum, the 40-hour supervisor's training program must meet each of the following requirements:
 - (1) the course must be taught by a licensed social worker holding both the appropriate license classification, and supervisor status issued by the Council;
 - (2) all related coursework and assignments must be completed over a time period not to exceed 90 days; and
 - (3) the 40-hour supervision training must include at least:
 - (A) three (3) hours for defining and conceptualizing supervision and models of supervision;
 - (B) three (3) hours for supervisory relationship and social worker development;
 - (C) twelve (12) hours for supervision methods and techniques, covering roles, focus (process, conceptualization, and personalization), group supervision, multi-cultural supervision (race, ethnic, and gender issues), and evaluation methods;
 - (D) twelve (12) hours for supervision and standards of practice, codes of ethics, and legal and professional issues; and
 - (E) three (3) hours for executive and administrative tasks, covering supervision plan, supervision contract, time for supervision, record keeping, and reporting.
- (d) A supervisor must renew supervisor status in conjunction with the biennial license renewal. If a licensee who has surrendered supervisory status desires to regain supervisory status, the licensee must reapply and meet the current requirements for supervisor status.

- (e) A supervisor must maintain an active license and supervisor status, as well as the qualifications described in this section while providing supervision.
- (f) Should a supervisor become subject to a Council disciplinary order that imposes a probated suspension, suspension, or revocation, that person's supervisor status is revoked. The person may reapply for supervisor status by:
 - (1) meeting the terms of the disciplinary order;
 - (2) having their license in good standing;
 - (3) completing a 40-hour supervisor training course, taken no earlier than the date of execution of the Council order; and
 - (4) submitting a new application for supervisor status.
- (g) If a licensee loses their authorization to provide supervision, either through failure to maintain an active license and status or through a disciplinary action, the supervisor must immediately inform all supervisees and assist them to find alternate supervision. The licensee shall refund all supervisory fees the supervisee paid after the date the supervisor ceased to hold supervisor status.
- (h) Providing supervision without appropriate licensure and supervisor status is grounds for disciplinary action.

Adopted to be effective: November 19, 2020

Amended: February 4, 2021; February 27, 2022; September 21, 2022; June 15, 2023; March 27, 2024; March 18, 2026

781.405. Clinical Supervision for Licensed Clinical Social Workers.

- (a) To accrue supervised clinical experience required for the issuance of a Licensed Clinical Social Worker (LCSW), a Licensed Master Social Worker (LMSW) and their LCSW supervisor shall complete a supervision plan, on a form prescribed by the Council or a form with substantially equivalent information, signed by both the LMSW and the LCSW supervisor.
- (b) The LMSW shall submit an application to reclassify the LMSW licensure to an LCSW license upon fulfillment of the supervision requirements and passage of the ASWB Clinical exam.
 - (1) The applicant must provide the appropriate supervision plans and verification forms. The documentation must include the names and contact information of all supervisors; beginning and ending dates of supervision; job description; and average number of hours of social work activity per week.
 - (2) The applicant's experience must have been in a position providing social work services, under the

- supervision of a qualified supervisor, with written evaluations to demonstrate satisfactory performance.
- (3) The applicant must maintain and, upon request, provide to the Council documentation of employment status, pay vouchers, or supervisory evaluations.
 - (c) Upon request of the LMSW, the LCSW supervisor shall submit a completed and signed supervision verification form prescribed by the Council, within 30 days.
 - (d) An LMSW who has completed clinical supervision for an LCSW license may, but is not required to, continue to provide clinical social work services under the supervision plan with their LCSW supervisor. An LCSW supervisor may, but is not required to, continue to provide clinical supervision to an LMSW who has completed their clinical supervised experience hours. An LMSW who has completed clinical supervision may not provide clinical social work services outside of appropriately supervised practice until issuance of an LCSW license.
 - (e) A person who has obtained a temporary license may not begin the supervision process toward independent clinical practice until the regular license is issued.

Adopted to be effective: March 18, 2026

781.406. Independent Practice Recognition.

- (a) A person must meet the following education and experience requirements for Independent Non-clinical Practice specialty recognition.
 - (1) Is currently licensed in the State of Texas as a Licensed Baccalaureate Social Worker (LBSW) or Licensed Master Social Worker (LMSW).
 - (2) While licensed as a social worker has had 3000 hours of supervised social work experience over a minimum two-year period, or its equivalent if the experience was completed in another state.
 - (3) Has had a minimum of 100 hours of supervision, over the course of the 3000 hours of experience, with an appropriate supervisor. If supervision was completed in another jurisdiction, the social worker shall have the supervision verified by the regulatory authority in the other jurisdiction. If such verification is impossible, the social worker may request that the Council accept alternate verification.
- (b) The following are qualified supervisors for accruing supervised experience toward Independent Practice Recognition.

- (1) An individual supervising an LBSW for independent non-clinical practice recognition shall hold supervisor status and be an LBSW recognized for independent non-clinical practice, an LMSW recognized for independent non-clinical practice, a Licensed Master Social Worker-Advanced Practitioner (LMSW-AP), or a Licensed Clinical Social Worker (LCSW).
 - (2) An individual supervising an LMSW for the independent non-clinical practice recognition shall hold supervisor status and be an LMSW recognized for independent non-clinical practice, an LMSW-AP, or an LCSW.
- (c) To accrue supervised experience required for an LBSW or an LMSW to apply for Independent Practice Recognition, the LBSW or LMSW shall complete a supervision plan, on a form prescribed by the Council or a form with substantially equivalent information, signed by both the LBSW or LMSW and the supervisor.
- (d) An LBSW or LMSW shall submit an application for Independent Practice Recognition upon fulfillment of the supervision requirements.
- (1) The applicant must provide the appropriate supervision plans and verification forms. The documentation must include the names and contact information of all supervisors; beginning and ending dates of supervision; job description; and average number of hours of social work activity per week.
 - (2) The applicant's experience must have been in a position providing social work services, under the supervision of a qualified supervisor, with written evaluations to demonstrate satisfactory performance.
 - (3) The applicant must maintain and, upon request, provide to the Council documentation of employment status, pay vouchers, or supervisory evaluations.
 - (4) Applicants must complete the Council's social work jurisprudence examination and submit proof of completion at the time of application.
- (e) The supervisor shall complete and sign a supervision verification form prescribed by the Council when the LBSW or LMSW submits an application for Independent Practice Recognition.
- (f) An LBSW or LMSW may own and operate their own non-clinical practice when under a supervision plan for independent practice. The LBSW's or LMSW's supervisor is responsible for the acts or omissions of the supervisee while providing services under the supervision plan.

- (g) A person who has obtained a temporary license may not begin the supervision process toward independent practice recognition until the regular license is issued.
- (h) An LBSW-IPR who applies to reclassify LBSW to LMSW is no longer recognized for non-clinical independent practice. To regain the non-clinical independent practice recognition, the LMSW must satisfy the requirements for IPR. Supervised experience hours accrued before the issuance of an LMSW license cannot be considered for LMSW-IPR.

Adopted to be effective: March 18, 2026

781.407. Prohibited Independent Practice.

- (a) A Licensed Master Social Worker who plans to apply for a Licensed Clinical Social Worker license may not own or operate a private practice to provide clinical social work to clients.
- (b) A licensee who is not recognized for independent practice and who is not under a non-clinical supervision plan must not engage in any independent practice that falls within the definition of social work practice in §781.102 of this title unless the person is licensed in another profession and acting solely within the scope of that license.
- (c) A social worker provides services under the direction of an employing agency, and is not practicing independently, when the employer has the right to control the means and details by which services are performed, regardless of whether the social worker is a full-time or part-time employee or is contracted for services. The Council will use guidelines developed by the Internal Revenue Service (IRS) and the Texas Workforce Commission, to demonstrate whether a professional is performing independent practice. Such guidelines include:
 - (1) Behavioral control. An employer can control the social worker's behavior by giving instructions about how work gets done rather than simply receiving the end products of the work. The more detailed the instructions, the more control an employer exercises.
 - (2) Financial control. The employer determines the amount and regularity of payment to employees. An independent practitioner typically negotiates a timeframe for completing work and receiving payment. Independent practitioners have more freedom to make business decisions that affect the profitability of their work, such as investing in equipment or renting an office. Employees typically do not invest their own finances into an employing agency. Employees are

usually reimbursed for job-related expenses, whereas independent practitioners often must negotiate reimbursement as part of the total agreed compensation.

- (3) Relationship of the parties. The nature of the relationship between the employer and the social worker is usually outlined in a written contract with clear intent whether the employing agency has control over the social worker and whether the employer is assuming responsibility for the social worker as an employee. Signs that a social worker is an employee include: if the employment relationship is permanent or ongoing, if an employer gives the social worker employee benefits, and if the social worker is retained to perform key aspects of the employer's day-to-day business.

Adopted to be effective: March 18, 2026

781.411. Temporary License.

- (a) Prior to examination, a licensure applicant may obtain a temporary social work license as long as the applicant meets all the requirements, except the licensing examination, for the license category the applicant seeks.
- (b) A person holding a temporary license must take the designated examination within six months of issuance of the temporary license.
- (c) The temporary license is valid until the licensee attempts the appropriate examination or the end of the six-month issuance of the temporary license.
- (d) A person holding a temporary license must display the license at the licensee's place of business and must use the appropriate licensed title or initials followed by the word "Temporary" in all professional use of the licensee's name.
- (e) Should the applicant take and fail the examination, the temporary license is no longer valid. The applicant must immediately cease and desist from using the temporary license and title, and return the license certificate and certificate card to the Council.
- (f) Should the applicant pass the examination, the Council will issue the license or specialty recognition. A temporary license holder who has passed the licensing examination continues to be temporarily licensed until the Council issues a regular license or the temporary license expires.
- (g) A person who failed the examination and is without a valid temporary license may retake the examination under §781.412 of this title (relating to Examination Requirement).

- (h) A temporary license will not be granted to an applicant who has held a temporary license for the same license category previously within his/her lifetime.
- (i) An applicant for LCSW or specialty recognition is not eligible for a temporary or provisional license.
- (j) Applicants requesting a temporary license must submit the application form and fee required by the Council.

Adopted to be effective: November 19, 2020

781.412. Examination Requirement.

- (a) An applicant for licensure or specialty recognition must pass an examination designated by the Council.
- (b) Applicants must have received a passing score on the ASWB national examination prior to the date of the application.
- (c) The Council may waive the examination for an applicant with a valid certificate or license from another state if the certificate or license was issued before January 1, 1986, if petitioned in writing.
- (d) On the basis of a verified report from ASWB that an applicant has cheated on the examination, the application shall be denied.

Adopted to be effective: November 19, 2020

Amended: February 27, 2022; March 27, 2024

781.414. Issuance License Certificates. The licensee must include the license title or associated initials in all professional uses of the licensee's name as required by the Act, §505.351, as in Licensed Clinical Social Worker - LCSW; Licensed Master Social Worker - LMSW; or Licensed Baccalaureate Social Worker - LBSW. If the licensee holds a specialty recognition, he or she shall use the specialty recognition initials as well: Licensed Master Social Worker with non-clinical Independent Practice Recognition - LMSW-IPR; Licensed Baccalaureate Social Worker with non-clinical Independent Practice Recognition - LBSW-IPR; or Licensed Master Social Worker with Advanced Practitioner Recognition - LMSW-AP.

Adopted to be effective: November 19, 2020

781.418. Issuance of Licenses to Certain Out-of-State Applications.

- (a) Notwithstanding any other licensing requirement of this chapter or the Act:
 - (1) The Council may not require an applicant who is licensed in good standing in another state to retake a licensing examination conducted by the Council under the Act if the applicant has passed the same examination in another jurisdiction.

- (2) The Council may issue a license to an applicant who is currently licensed in another jurisdiction to independently practice social work if the Council determines that the applicant demonstrates sufficient experience and competence; has passed the licensing examination appropriate to the category of licensure the applicant seeks; has passed the jurisprudence examination conducted by the Council under the Texas Occupations Code, §505.3545; and is in good standing with the regulatory body of the licensing jurisdiction at the time the applicant applied in Texas.
- (b) When assessing the applicant's experience and competence, the Council may consider any supervision the applicant received in another jurisdiction if the Council determines that the supervision would be considered for licensing or certification in the jurisdiction in which the applicant received the supervision.

Adopted to be effective: November 19, 2020

781.419. Licensing of Military Service Members, Military Veterans, and Military Spouses.

- (a) An applicant applying for licensure under this section must comply with Council rule §882.60 of this title.
- (b) For an application for a license submitted by a verified military service member or military veteran, the applicant shall receive credit towards any licensing or apprenticeship requirements, except an examination requirement, for verified military service, training, or education that is relevant to the occupation, unless he or she holds a restricted license issued by another jurisdiction or if he or she has an unacceptable criminal history as described by the Act and this chapter.

Adopted to be effective: November 19, 2020

Amended: March 18, 2026

781.420. 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 505 (Social Work Practice 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 Section 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 social work;
- (9) any criminal violation of Section 22.041 (abandoning or endangering a child) of the Penal Code;
- (10) any criminal violation of Section 21.15 (invasive visual recording) of the Penal Code;
- (11) any criminal violation of Section 43.26 (possession of child pornography) of the Penal Code;
- (12) any criminal violation of Section 22.04 (injury to a child, elderly individual, or disabled 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: February 4, 2021

781.421. Remedy for Incomplete License Requirements.

- (a) An applicant who does not meet all of the prerequisites for a particular license under Chapter 505 of the Occupations Code, 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 505 of the Occupations Code, 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: June 15, 2023

781.501. Requirements for Continuing Education.

- (a) Minimum Continuing Education Hours Required:
 - (1) A licensee must complete 30 hours of continuing education during each renewal period that they hold a license. The 30 hours of continuing education must include 6 hours in ethics and 3 hours designed to ensure competency when providing services to a distinct population, defined as a group of people who share a common attribute, trait, or defining characteristic of the licensee's choice.
 - (2) A licensee may carry forward to the next renewal period, a maximum of 10 hours accrued during the current renewal period if those hours are not needed for renewal.
- (b) Special Continuing Education Requirements.
 - (1) A licensee with supervisory status must complete 6 hours of continuing education in supervision.
 - (2) The special continuing education requirements set out in this subsection may be counted toward the minimum continuing education hours required under subsection (a) of this section.
- (c) Acceptable ethics hours include, but are not limited to continuing education on:
 - (1) state or federal laws, including agency rules, relevant to the practice of social work;
 - (2) practice guidelines established by local, regional, state, national, or international professional organizations;
 - (3) training or education designed to demonstrate or affirm the ideals and responsibilities of the profession; and
 - (4) training or education intended to assist licensees in determining appropriate decision-making and behavior, improve consistency in or enhance the professional delivery of services, and provide a minimum acceptable level of practice.

- (d) Acceptable Continuing Education Activities.
 - (1) All continuing education hours must have been received during the renewal period unless allowed under subsection (a)(2) of this section, and be directly related to the practice of social work;
 - (2) The Council shall make the determination as to whether the activity claimed by the licensee is directly related to the practice of social work;
 - (3) Except for hours claimed under subsection (g) of this section, all continuing education hours obtained must be designated by the provider in a letter, email, certificate, or transcript that displays the licensee's name, topic covered, date(s) of training, and hours of credit earned; and
 - (4) Multiple instances or occurrences of a continuing education activity may not be claimed for the same renewal period.
- (e) Licensees must obtain at least fifty percent of their continuing education hours from one or more of the following providers:
 - (1) an international, national, regional, state, or local association of medical, mental, or behavioral health professionals;
 - (2) public school districts, charter schools, or education service centers;
 - (3) city, county, state, or federal governmental entities;
 - (4) an institution of higher education accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation, the Texas Higher Education Coordinating Board, or the United States Department of Education;
 - (5) religious or charitable organizations devoted to improving the mental or behavioral health of individuals;
 - (6) a licensee that is a Council-approved supervisor;
 - (7) a hospital or hospital system, including any clinic, division, or department within a hospital or hospital system; or
 - (8) any provider approved or endorsed by a provider listed herein.
- (f) Licensees shall receive credit for continuing education activities according to the number of hours designated by the provider, or if no such designation, on a one-for-one basis with one credit hour for each hour spent in the continuing education activity.

- (g) Notwithstanding subsection (e) of this section, licensees may claim continuing education credit for each of the following activities:
- (1) Passage of the jurisprudence examination. Licensees who pass the jurisprudence examination may claim 1 hour of continuing education in ethics.
 - (2) Preparing and giving a presentation at a continuing education activity. The maximum number of hours that may be claimed for this activity is 5 hours.
 - (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 university or college 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. Self-study is credit that is obtained from any type of activity that is performed by an individual licensee acting alone. Such activities include, but are not limited to, reading materials directly related to the practice of social work. Time spent individually viewing or listening to audio, video, digital, or print media as part of an organized continuing education activity, program or offering from a third-party is not subject to this self-study limitation and may count as acceptable continuing education under other parts of this rule.
 - (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 continuing education credit.
 - (7) Providing field or practicum instruction to social work students. A field or practicum instructor may claim one hour of continuing education credit for each hour of college or university credit that is awarded to the social work student receiving instruction. The maximum number of hours that may be claimed for this activity is 10 hours per renewal period, and hours claimed may not be counted toward the ethics or distinct population requirements.
- (h) The Council does not pre-evaluate or pre-approve continuing education providers or hours.
- (i) Licensees shall maintain proof of continuing education compliance for a minimum of 3 years after the applicable renewal period.

Adopted to be effective: September 21, 2022
Amended: June 15, 2023; March 27, 2024; July 20, 2025

Subchapter D. Schedule of Sanctions.

781.801. Purpose. The schedule of sanctions is adopted by rule pursuant to the Act, §505.2015(2).

Adopted to be effective: November 19, 2020

781.803. Severity Levels. The following are severity levels for the schedule of sanctions.

- (1) Level One--Revocation of license. These violations evidence the licensee's intentional or gross misconduct, cause or pose a high degree of harm to the public, and/or require severe punishment to deter the licensee, or other licensees. The fact that a license is ordered revoked does not necessarily mean the licensee can never regain licensure. The Council may also impose an administrative penalty of not less than \$250 or more than \$5,000 for each Level One violation. Each day a violation continues or occurs is a separate violation for the purpose of imposing a financial penalty.
- (2) Level Two--Suspension of license. These violations involve less misconduct, harm, or need for deterrence than Level One violations, but require suspension of licensure for a period of time. The Council may also impose an administrative penalty of not less than \$250 or more than \$5,000 for each Level Two violation. Each day a violation continues or occurs is a separate violation for the purpose of imposing a penalty.
- (3) Level Three--Probated suspension of license. These violations do not involve enough harm, misconduct, or need for deterrence to warrant suspension of licensure, yet are severe enough to warrant monitoring of the licensee to ensure future compliance. The Council may also impose an administrative penalty of not less than \$250 or more than \$5,000 for each Level Three violation. Each day a violation continues or occurs is a separate violation for the purpose of imposing a penalty.
- (4) Level Four--Reprimand. These violations involve minor misconduct not directly involving the health, safety or welfare of the particular member of the public at issue. The Council may also impose an administrative penalty of not less than \$250 or more than \$5,000 for each Level Four violation. Each day a violation

continues or occurs is a separate violation for the purpose of imposing a penalty.

*Adopted to be effective: November 19, 2020
Amended: June 1, 2021; November 23, 2022*

781.804. Other Actions. Complaints may be resolved by issuance of a warning letter. Warning letters inform licensees of their duties under the Act, the Council Act, or council rules and whether the council has a concern about the circumstances surrounding the complaint

*Adopted to be effective: November 19, 2020
Amended: March 17, 2025*

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

Rule	Level 1: Revocation (Admin Penalty: not less than \$250; no more than \$5,000 per day)	Level 2: Suspension (Admin Penalty: not less than \$250; no more than \$5,000 per day)	Level 3: Probated Suspension (Admin Penalty: not less than \$250; no more than \$5,000 per day)	Level 4: Reprimand (Administrative Penalty: not less than \$250; no more than \$5,000 per day)
§781.301(1)			X	
§781.301(2)				X
§781.301(3)			X	
§781.301(5)				X
§781.301(6)				X
§781.301(7)				X
§781.301(8)				X
§781.301(9)	X			
§781.301(10)		X		
§781.301(11)			X	
§781.301(12)				X
§781.301(13)				X
§781.302			X	
§781.303(1)				X
§781.303(2)				X
§781.303(3)				X
§781.303(4)			X	
§781.303(5)	X			
§781.303(6)	X			
§781.303(7)				X

§781.303(8)			X	
§781.303(9)				X
§781.304(a)				X
§781.304(b)		X		
§781.304(c)			X	
§781.304(d) and (p)				X
§781.304(e), (l), and (g)				X
§781.304(f)				X
§781.304(g)				X
§781.304(h)				X
§781.304(i)				X
§781.304(j)			X	
§781.304(m)				X
§781.304(n)			X	
§781.304(o)				X
§781.305(b) and (c)	X			
§781.305(g)(1)-(4)			X	
§781.306(a) and (b)				X
§781.307(a)				X
§781.307(b)				X
§781.307(c)			X	
§781.308		X		
§781.309(1) and (4)				X
§781.309(2)			X	
§781.309(3)				X
§781.309(5)				X
§781.309(6)				X
§781.310(a) and (b)		X		
§781.310(c) and (e)			X	
§781.310(d)				X
§781.311(b) and (g)				X
§781.311(c) and (d)				X
§781.311(e)				X
§781.311(f)(1-4)			X	
§781.312(b)				X
§781.316(a), (c), and (d)				X

§781.317(a)				X
§781.317(b)			X	
§781.320(e)			X	
§781.321(d)			X	
§781.321(ff)			X	
§781.322(f)			X	
§781.322(g)		X		
§781.322(h)(1) and (2)				X
§781.322(i)			X	
§781.402(c)			X	
§781.403(a)				X
§781.403 (b)(2)				X
§781.403(c)			X	
§781.403(d)				X
§781.403(f)			X	
§781.404(e)		X		
§781.404(f)		X		
§781.404(g)	X			
§781.404(h)		X		
§781.405(d)			X	
§781.406(b)			X	

Adopted to be effective: November 23, 2022

Amended: March 17, 2025; March 18, 2026

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 SOCIAL WORKERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 505.001. SHORT TITLE.

This chapter may be cited as the Social Work Practice Act.

Sec. 505.002. DEFINITIONS.

In this chapter:

- (1) "Board" means the Texas State Board of Social Worker Examiners.
- (2) "Council on Social Work Education" means the national organization that is primarily responsible for the accreditation of schools of social work in the United States or its successor approved by the executive council.
- (3) "Executive council" means the Texas Behavioral Health Executive Council.
- (4) "Licensed baccalaureate social worker" means a person who holds a baccalaureate social worker license issued under this chapter.
- (5) "Licensed clinical social worker" means a person who holds a clinical social worker license issued under this chapter.
- (6) "Licensed master social worker" means a person who holds a master social worker license issued under this chapter.
- (7) "Licensed social worker" means a person who holds a social worker license issued under this chapter.
- (8) "Social worker" means a person who holds any license issued under this chapter.

Sec. 505.0025. PRACTICE OF SOCIAL WORK.

- (a) The practice of social work is the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, or communities.
- (b) The practice of social work may include the provision of individual, conjoint, family, and group psychotherapy using the Diagnostic and Statistical Manual of Mental Disorders, the International Classification of Diseases, and other diagnostic classification systems in assessment, diagnosis, treatment, and other activities by a person licensed under this chapter.

Sec. 505.003. APPLICATIONS AND EXEMPTIONS.

- (a) This chapter does not apply to:
 - (1) an activity conducted or a service performed by a person who is licensed, certified, or registered in a profession other than social work, including a physician, attorney, registered nurse, licensed vocational nurse, psychologist, occupational therapist, licensed marriage and family therapist, licensed chemical dependency counselor, or licensed professional counselor, if:
 - (A) the activity or service is conducted or performed within the scope of the person's license, certificate, or registration;
 - (B) the person does not use a title listed in Section 505.351; and
 - (C) the person does not:
 - (i) represent the service as social work;
 - (ii) represent that the person is a social worker; or
 - (iii) use a title that implies that the person is licensed in social work;
 - (2) a service performed by a person as a volunteer or staff member if the person does not:
 - (A) represent the service as social work;
 - (B) represent the person as a social worker; or
 - (C) use a title that implies that the person is licensed in social work;
 - (3) an activity conducted by a social work student, intern, or trainee in connection with an institution of higher education accredited by the Council on Social Work Education; or
 - (4) an activity conducted or a service performed by a pastoral care counselor who is acting within the person's ministerial capabilities and who does not use a title that implies that the counselor is licensed in social work, including:
 - (A) a Christian Science practitioner who is recognized by the Church of Christ Scientist as registered and published in the Christian Science Journal; and
 - (B) any other recognized religious practitioner.
- (b) This chapter does not require a public agency or private employer, including a nonprofit corporation, to employ a person licensed under this chapter.
- (c) A person who teaches social work at an institution of higher education or a private or independent institution of higher education as those terms are defined by Section 61.003, Education Code, is not required to hold a license under this chapter to the extent the person confines the person's activities to teaching and does not otherwise engage in the practice of social work.

Sec. 505.004. NONDISCRIMINATORY ACTIONS AND DECISIONS.

An action taken or a decision made under this chapter, including an action or a decision relating to a license application, examination, regulation, or disciplinary proceeding, shall be taken or made without regard to sex, race, religion, national origin, color, or political affiliation.

SUBCHAPTER B. TEXAS STATE BOARD OF SOCIAL WORKER EXAMINERS

Sec. 505.101. BOARD; MEMBERSHIP.

- (a) The Texas State Board of Social Worker Examiners consists of nine members appointed by the governor with the advice and consent of the senate as follows:
 - (1) two members who are licensed master social workers;
 - (2) two members who are licensed baccalaureate social workers;
 - (3) two members who are licensed clinical social workers; and
 - (4) three members who represent the public.
- (b) Appointments to the board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

Sec. 505.102. PUBLIC MEMBERSHIP ELIGIBILITY.

- (a) A public member of the board may not:
 - (1) be licensed under this chapter; or
 - (2) have an interest in the practice of social work other than as a consumer.
- (b) 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 care;
 - (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 or receiving funds from the board or executive council;
 - (B) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving funds from the board or executive council; or
 - (C) uses or receives a substantial amount of tangible goods, services, or funds from the board or executive council, other than compensation or reimbursement

authorized by law for board membership, attendance, or expenses.

Sec. 505.103. 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 care; 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. 505.104. TERMS; VACANCY.

- (a) Members of the board serve staggered six-year terms. The terms of one-third of the members expire February 1 of each odd-numbered year.
- (b) A person who is appointed to fill a vacancy on the board shall serve as a board member for the remainder of the unexpired term.

Sec. 505.105. 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 505.101 and 505.102(a);
 - (2) does not maintain during service on the board the qualifications required by Sections 505.101 and 505.102(a);
 - (3) is ineligible for membership under Section 505.103;
 - (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 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 attorney general that a potential ground for removal exists.

Sec. 505.106. EXPENSE REIMBURSEMENT. Each board member is entitled to reimbursement for expenses incurred in traveling to and from the business of the board at the rates provided in the General Appropriations Act for state employees. A member may not receive actual or necessary expenses except for travel to and from meetings.

Sec. 505.107. OFFICERS.

- (a) The governor shall designate one board member as presiding officer. The presiding officer serves in that capacity at the will of the governor.
- (b) The board shall elect other officers at the first regular meeting of the board each year.

Sec. 505.108. MEETINGS.

- (a) The board shall hold a meeting at least once a year.
- (b) The board may hold other regular meetings as provided by board rule and special meetings as determined by the board.

Sec. 505.109. TRAINING.

- (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. 505.201. GENERAL RULEMAKING AND ENFORCEMENT AUTHORITY OF EXECUTIVE COUNCIL.

- (a) The executive council may:
 - (1) adopt and enforce rules necessary to perform the executive council's duties under this chapter;
 - (2) establish standards of conduct and ethics for license holders; and
 - (3) ensure strict compliance with and enforcement of this chapter.
- (b) The executive council by rule may define a term not defined under Section 505.002 if a definition is necessary to administer or enforce this chapter.

- (c) For each type of license issued under this chapter, the executive council shall establish:
 - (1) the minimum eligibility requirements;
 - (2) educational requirements;
 - (3) professional experience criteria;
 - (4) supervision requirements; and
 - (5) independent practice criteria.
- (d) The executive council shall establish procedures for recognition of independent practice.

Sec. 505.2015. BOARD DUTIES.

The board shall propose to the executive council:

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

Sec. 505.206. ROSTER OF INDEPENDENT SOCIAL WORKERS. The executive council shall publish a roster of persons recognized under Section 505.307 as qualified for the independent practice of social work.

SUBCHAPTER F. SPECIALTY AREAS OF SOCIAL WORK

Sec. 505.301. ESTABLISHMENT OF SPECIALTY AREA.

- (a) The executive council may establish within the scope of social work practice and this chapter specialty areas of social work for license holders under this chapter who are licensed in good standing if establishment of the specialty areas:
 - (1) is necessary to promote the public interest; and
 - (2) assists the public in identifying qualified persons in a social work practice specialty.
- (b) The executive council may not authorize a specialty area within the practice of social work unless the executive council sets the minimum qualifications for social work practice with appropriate supervision and examination, as determined by the executive council.

- (c) The executive council may not establish a specialty area of social work or a specialty area identification that conflicts with a state licensing law.

Sec. 505.302. REGULATION OF SPECIALTY AREAS.

- (a) In establishing a specialty area of social work, the executive council shall:
 - (1) define the scope of the specialty;
 - (2) establish qualifications for specialty area practitioners that describe, in accordance with Subdivision (1), the scope of the specialty area;
 - (3) adopt rules of conduct to ensure strict compliance with and enforcement of this chapter; and
 - (4) adopt rules for the suspension or revocation of an order of recognition of specialty.
- (b) A person who is not recognized as satisfying the qualifications for a specialty area may not practice in the specialty area.

Sec. 505.303. CLINICAL SOCIAL WORK SPECIALTY.

- (a) The executive council shall establish a specialty area for the practice of clinical social work that is available only to a licensed master social worker who satisfies the minimum number of years of active social work practice with appropriate supervision and clinical examination, as determined by the executive council.
- (b) A person may not use the title "Licensed Clinical Social Worker" or the initials "LCSW" unless the person is recognized as qualified for the independent practice of clinical social work.
- (c) For purposes of Subchapter C, Chapter 1451, Insurance Code:
 - (1) a person recognized as qualified for the independent practice of clinical social work may use the title "Licensed Clinical Social Worker" or another title approved by the executive council; and
 - (2) a title approved by the executive council under this subsection has the same meaning and effect as the title "Licensed Clinical Social Worker."

Sec. 505.304. ORDER OF RECOGNITION OF SPECIALTY.

- (a) The executive council shall prescribe the name, design, and content of an order of recognition of specialty.
- (b) An order of recognition of specialty must:
 - (1) state the full name of the person recognized in the order; and
 - (2) state the official specialty serial number.

Sec. 505.305. RECOGNITION OF SPECIALTY; ISSUANCE OF ORDER.

- (a) The executive council shall recognize a social worker as qualified for the practice of a specialty area of social work if the social worker satisfies the recognition requirements established by the executive council and the executive council determines that the person is worthy of the public trust in performing services within the scope of the specialty area.
- (b) The executive council shall issue an order of recognition of specialty to a social worker who is recognized as qualified for the practice of a specialty area of social work. The order of recognition of specialty evidences the state's recognition of the social worker as a specialty social work practitioner under the identification or title designated by the executive council.

Sec. 505.306. PROHIBITED USE OF SPECIALTY AREA IDENTIFICATION OR TITLE. If the executive council establishes a specialty area of social work, a social worker may not use the specialty area identification or title designated by the executive council unless the person is recognized as qualified for the practice of the specialty area under this chapter.

Sec. 505.307. INDEPENDENT PRACTICE RECOGNITION; MINIMUM QUALIFICATIONS.

- (a) The executive council shall establish procedures for recognizing a social worker qualified for the independent practice of social work.
- (b) A social worker may not be recognized as qualified for the independent practice of social work unless the person satisfies the requirements of social work education, experience, and supervision as determined by the executive council.

SUBCHAPTER G. LICENSE REQUIREMENTS

Sec. 505.351. LICENSE REQUIRED.

- (a) A person may not use or cause to be used the title "social worker," "licensed baccalaureate social worker," "licensed master social worker," "licensed clinical social worker," or "licensed social worker," or any combination, variation, or abbreviation of those titles, as a professional or business identification, representation, asset, or means of obtaining a benefit unless the person holds an appropriate license issued under this chapter.
- (b) A person may not use a title that implies that the person holds a license in social work unless the person holds an appropriate license issued under this chapter.

- (c) A person who engages in or attempts to engage in conduct described by this section is considered to be engaged in the practice of social work.

Sec. 505.352. LICENSE APPLICATION. A person may apply for a license under this chapter by submitting an application to the executive council. The application must:

- (1) be on a form prescribed by the executive council; and
- (2) contain statements made under oath regarding the applicant's education and experience and any other information required by the executive council that qualifies the applicant for a license.

Sec. 505.353. ELIGIBILITY.

- (a) To be eligible for a license under this chapter, an applicant must:
 - (1) be at least 18 years of age;
 - (2) be worthy of the public trust and confidence;
 - (3) satisfy the education and experience requirements under this section; and
 - (4) pass the licensing examination conducted by the executive council under Section [505.354](#) and the jurisprudence examination conducted by the executive council under Section [505.3545](#).
- (b) An applicant may take the licensing examination conducted by the executive council under Section [505.354](#) for:
 - (1) a master social worker license if the applicant possesses a doctoral or master's degree in social work from a graduate program that is accredited by or is in candidacy for accreditation by the Council on Social Work Education;
 - (2) a baccalaureate social worker license if the applicant possesses a baccalaureate degree in social work from an educational program that is accredited by or is in candidacy for accreditation by the Council on Social Work Education; or
 - (3) a clinical social worker license if the applicant possesses a doctoral or master's degree in social work from an accredited graduate program approved by the executive council and meets the qualifications for clinical social work practice as determined by the executive council under this chapter.
- (c) The executive council may require an applicant to submit documentary evidence of the quality, scope, and nature of the applicant's experience and competence to:
 - (1) determine the credibility and acceptability of the applicant's professional or technical experience or competence; and
 - (2) ensure the public safety, health, and welfare.

Sec. 505.354. EXAMINATION.

- (a) The board shall prepare an examination to assess an applicant's qualifications for a license under this chapter. The executive council shall administer the examination at least once each calendar year.
- (b) Each license examination shall be conducted in a manner that is determined by the executive council and is fair and impartial to each applicant and school or system of social work.
- (c) Applicants may be known to the examiners only by numbers until after the general averages of the applicants' numbers in the class are determined and licenses are issued or denied.
- (d) To maintain the highest standards in the social work profession, the scope and content of each examination must be sufficient to ensure professional efficacy and competence.
- (e) The executive council shall have the written portion of the examination, if any, validated by an independent testing entity.

Sec. 505.3545. JURISPRUDENCE EXAMINATION.

- (a) The board shall develop a jurisprudence examination to determine an applicant's knowledge of this chapter, rules adopted under this chapter, and any other applicable laws of this state affecting the applicant's social work practice. The executive council shall administer the examination at least twice each calendar year.
- (b) The executive council shall adopt rules to implement this section, including rules related to the development and administration of the examination, examination fees, guidelines for reexamination, grading the examination, and providing notice of examination results.

Sec. 505.357. TEMPORARY LICENSE.

- (a) The executive council shall issue a temporary license to an applicant who:
 - (1) has not taken the licensing examination under Section 505.354 or the jurisprudence examination under Section 505.3545; and
 - (2) satisfies the requirements for obtaining a license under this chapter other than passing the licensing and jurisprudence examinations.
- (b) A temporary license is valid until the results of the first appropriate licensing and jurisprudence examinations given after the date the license is issued are available.

Sec. 505.3575. ISSUANCE OF LICENSES TO CERTAIN OUT-OF-STATE APPLICANTS.

- (a) Notwithstanding any other licensing requirement of this subchapter:
 - (1) the executive council may not require an applicant who is licensed in good standing in another state to pass a licensing examination conducted by the executive council under Section 505.354 if an applicant with substantially equivalent experience who resides in this state would not be required to take the licensing examination; and
 - (2) the executive council may issue a license to an applicant who is currently licensed in another state to independently practice social work if:
 - (A) after an assessment, the executive council determines that the applicant:
 - (i) demonstrates sufficient experience and competence;
 - (ii) has passed the jurisprudence examination conducted by the executive council under Section 505.3545; and
 - (iii) at the time of the application, is in good standing with the regulatory agency of the state in which the applicant is licensed; and
 - (B) the applicant presents to the executive council credentials that the applicant obtained from a national accreditation organization and the executive council determines that the requirements to obtain the credentials are sufficient to minimize any risk to public safety.
- (b) When assessing the experience and competence of an applicant for the purposes of this section, the executive council may take into consideration any supervision received by the applicant in another state or jurisdiction if the executive council determines that the supervision would be taken into consideration for the purpose of licensing or certification in the state or jurisdiction in which the applicant received the supervision.

Sec. 505.358. PROVISIONAL LICENSE.

- (a) A person may apply for a provisional license as a social worker by paying the appropriate fee and filing an application with the executive council. The executive council may issue a provisional license to a person who meets the requirements of this section.
- (b) An applicant for a provisional license must:
 - (1) be licensed or certified in good standing as a social worker in another state or jurisdiction that has licensing or

- certification requirements determined by the executive council to be substantially equivalent to the requirements of this chapter;
- (2) have passed a national or other examination recognized by the executive council relating to the practice of social work; and
 - (3) be sponsored by a person licensed under this chapter with whom the provisional license holder may practice social work.
- (c) An applicant is not required to comply with Subsection (b)(3) if the executive council determines that compliance constitutes a hardship to the applicant.
 - (d) A provisional license is valid until the date the executive council approves or denies the provisional license holder's application for a license under Section 505.359.

Sec. 505.359. ISSUANCE OF LICENSE TO PROVISIONAL LICENSE HOLDER.

- (a) The executive council shall issue an appropriate license to a provisional license holder:
 - (1) who passes the licensing examination under Section 505.354 and the jurisprudence examination under Section 505.3545;
 - (2) for whom the executive council verifies that the person satisfies the academic and experience requirements under Section 505.353; and
 - (3) who satisfies any other license requirements under this chapter.
- (b) The executive council shall complete the processing of a provisional license holder's application for a license not later than the 180th day after the date the provisional license is issued or the date licenses are issued after successful completion of the next licensing and jurisprudence examinations, whichever date is later.
- (c) The executive council may waive a license requirement for an applicant who is licensed or certified in another state if this state has entered into a reciprocity agreement with that state.

Sec. 505.360. PROFESSIONAL IDENTIFICATION.

- (a) A license holder shall use an identification provided by this section:
 - (1) in the professional use of the license holder's name; and
 - (2) in connection with any sign, directory, contract, document, pamphlet, stationery, advertisement, signature, or other means of written professional identification.
- (b) A licensed master social worker shall use the identification "licensed master social worker" or the initials "LMSW."

- (c) A licensed baccalaureate social worker shall use the identification "licensed baccalaureate social worker" or the initials "LBSW."
- (d) Repealed by Acts 2003, 78th Leg., ch. 892, Sec. 37.
- (e) A licensed clinical social worker shall use the identification "licensed clinical social worker" or the initials "LCSW."

SUBCHAPTER H. RENEWAL OF LICENSE AND ORDER OF RECOGNITION OF SPECIALTY

Sec. 505.401. TERM OF LICENSE; STAGGERED EXPIRATION DATES.

- (a) A license issued under this chapter is valid for two years.
- (a-1) The executive council by rule shall adopt a system under which licenses and orders of recognition of specialty expire on various dates during the year.
- (b) In the year in which the expiration date of an order of recognition of specialty is changed, the total renewal fee is payable.

Sec. 505.405. GROUNDS FOR REFUSING RENEWAL. The executive council may refuse to renew the license of a person who fails to pay an administrative penalty imposed under Subchapter H, Chapter 507, unless enforcement of the penalty is stayed or a court has ordered that the administrative penalty is not owed.

SUBCHAPTER I. DISCIPLINARY ACTION

Sec. 505.451. GROUNDS FOR DISCIPLINARY ACTION. The executive council shall take disciplinary action under Subchapter G, Chapter 507, against a person for:

- (1) violating this chapter or a rule adopted under this chapter;
- (2) circumventing or attempting to circumvent the requirements of this chapter or a rule adopted under this chapter;
- (3) directly or indirectly participating in a scheme to evade the requirements of this chapter or a rule adopted under this chapter;
- (4) engaging in unethical conduct;
- (5) engaging in conduct that discredits or tends to discredit the social work profession;
- (6) performing an act, allowing an omission, or making an assertion or representation that is fraudulent, deceitful, or misleading or that tends to create a misleading impression;
- (7) knowingly associating with or permitting the use of a license holder's professional services or identification in connection with an enterprise that the person knows or should have

- known in the exercise of reasonable diligence violates this chapter or a rule adopted under this chapter;
- (8) knowingly associating with or permitting the use of a license holder's name, professional services or identification, or endorsement in connection with an enterprise that the person knows or should have known in the exercise of reasonable diligence is a trade, business, or professional practice of a fraudulent, deceitful, or misleading nature;
 - (9) directly or indirectly revealing or causing to be revealed a confidential communication transmitted to the license holder by a client or other recipient of the license holder's services unless revealing the communication is required by law;
 - (10) having been denied an application for a license or certificate to practice social work in another jurisdiction for a reason that the executive council determines would be a violation of this chapter or a rule adopted under this chapter;
 - (11) holding a license or certificate in another jurisdiction that is suspended or revoked for a reason that the executive council determines would be a violation of this chapter or a rule adopted under this chapter;
 - (12) having been convicted of a felony in this state, another state, or the United States;
 - (13) refusing to perform an act or service within the scope of the license holder's license solely because of the recipient's age, sex, race, religion, national origin, color, or political affiliation; or
 - (14) committing an act for which liability exists under Chapter 81, Civil Practice and Remedies Code.

Sec. 505.454. SANCTIONS FOR HOLDER OF EXPIRED LICENSE OR ORDER OF RECOGNITION OF SPECIALTY.

- (a) A person who holds an expired license or order of recognition of specialty under this chapter is subject to a sanction under this chapter if the executive council determines that the person violated this chapter or a rule adopted under this chapter during the period in which the license or order was valid.
- (b) Repealed by Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 2.113(107), eff. September 1, 2019.

Sec. 505.458. REFUND.

- (a) Subject to Subsection (b), the executive council may order a license holder to pay a refund to a consumer as provided in an agreement resulting from an informal settlement conference instead of or in addition to imposing an administrative penalty under this chapter.

- (b) The amount of a refund ordered as provided in an agreement resulting from an informal settlement conference may not exceed the amount the consumer paid to the license holder for a service regulated by this chapter. The executive council may not require payment of other damages or estimate harm in a refund order.

SUBCHAPTER J. PENALTIES AND ENFORCEMENT PROVISIONS

Sec. 505.502. PROHIBITED CONDUCT BY BUSINESS OR PROFESSIONAL ENTITY.

- (a) Except as provided by Subsection (b), a business or professional entity may not:
 - (1) represent itself or another to the public as being engaged in the practice of social work or as offering social work services under an assumed, trade, business, professional, partnership, or corporate name or title;
 - (2) directly or indirectly use or cause to be used the term "social work," "social work services," "social work, inc.," "social workers," "licensed social workers," "licensed baccalaureate social workers," "licensed master social workers," "licensed clinical social workers," "LMSW," "LSW," "LBSW," or "LCSW," or any combination, abbreviation, or variation of those terms; or
 - (3) directly or indirectly use or cause to be used a term listed in Subdivision (2) in combination with any other word, letter, initial, sign, legend, or symbol on, in, or directly or indirectly as a part of:
 - (A) any sign, directory, contract, pamphlet, stationery, advertisement, or other document;
 - (B) a signature; or
 - (C) a trade, assumed, corporate, or other business or professional name.
- (b) A business or professional entity may engage in conduct described by Subsection (a) if:
 - (1) the entity is actively engaged in the practice of social work; and
 - (2) the social work services that constitute the entity's practice are:
 - (A) personally performed by a social worker who is practicing in accordance with this chapter; or
 - (B) performed under the supervision of a licensed baccalaureate social worker, licensed master social worker, or licensed clinical social worker.

Sec. 505.505. APPEAL BOND NOT REQUIRED. The executive council is not required to post an appeal bond in any action arising under this chapter.

Sec. 505.507. CRIMINAL PENALTY.

- (a) A person commits an offense if the person knowingly acts as a social worker without holding a license required under this chapter.
- (b) An offense under Subsection (a) is a Class B misdemeanor.

Sec. 505.506. REPRESENTATION BY ATTORNEY GENERAL. The attorney general shall represent the executive council in an action brought to enforce this chapter.

Sec. 505.507. CRIMINAL PENALTY.

- (a) A person required to hold a license under this chapter commits an offense if the person knowingly acts as a social worker without holding a license issued under this chapter.
- (b) An offense under Subsection (a) is a Class A misdemeanor.

SUBCHAPTER L. REPORTS OF CERTAIN VIOLATIONS

Sec. 505.601. REPORT OF VIOLATION.

In a written, signed report to the appropriate licensing board, agency, or facility, a person licensed under this chapter may report an incident that the person has reasonable cause to believe has exposed a client to substantial risk of harm, including:

- (1) a failure to provide care that conforms to the minimum standards of acceptable and prevailing professional practice;
- (2) illegal billing practices; or
- (3) falsification of records.

Sec. 505.602. REPORTING IMMUNITY. A person who, without malice, makes a report authorized, or reasonably believed to be authorized, under this subchapter:

- (1) is immune from civil liability; and
- (2) may not be subjected by the person's employer to other retaliatory action as a result of making the report.

Sec. 505.603. CAUSE OF ACTION FOR RETALIATION.

- (a) A person named as a defendant in a civil action or subjected by the person's employer to other retaliatory action as a result of filing a report authorized, or reasonably believed to be authorized, under this subchapter may file a counterclaim in the pending action or prove a cause of action in a subsequent suit to recover defense

- costs, including reasonable attorney's fees and actual and punitive damages, if the suit or retaliatory action is determined to be frivolous, unreasonable, or taken in bad faith.
- (b) A person may not suspend or terminate the employment of, or otherwise discipline or discriminate against, a person who makes a report, without malice, under this subchapter.
 - (c) A person who makes a report under this subchapter has a cause of action against a person who violates Subsection (b) and may recover:
 - (1) the greater of:
 - (A) actual damages, including damages for mental anguish even if no other injury is shown; or
 - (B) \$1,000;
 - (2) exemplary damages;
 - (3) court costs; and
 - (4) reasonable attorney's fees.
 - (d) In addition to the amount recovered under Subsection (c), a person whose employment is suspended or terminated in violation of this section is entitled to:
 - (1) reinstatement in the employee's former position or severance pay in an amount equal to three months of the employee's most recent salary; and
 - (2) compensation for wages lost during the period of suspension or termination.
 - (e) A person who brings an action under this section has the burden of proof. It is a rebuttable presumption that the person's employment was suspended or terminated for making a report under this subchapter if:
 - (1) the person was suspended or terminated within 60 days after the date the report was made; and
 - (2) the person to whom the report that is the subject of the cause of action was made or the court determines that the report was:
 - (A) authorized under this subchapter; and
 - (B) made without malice.
 - (f) An action under this section may be brought in a district court of the county in which:
 - (1) the plaintiff resides;
 - (2) the plaintiff was employed by the defendant; or
 - (3) the defendant conducts business.

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