

Texas State Board of Examiners of Marriage and Family Therapists

Board Meeting Agenda for May 29, 2026, 1 p.m.

The May 29, 2026 meeting of the Texas State Board of Examiners of Marriage and Family Therapists will be held by videoconference call, as authorized under Texas Government Code section 551.127. One or more board members may appear at the scheduled meeting in-person or via videoconference call, and the presiding officer will be physically present at 1801 Congress Avenue, Suite 7.102, Austin, Texas 78701. In the event of internet connectivity problems, the physical meeting location will be moved to 1801 Congress Avenue, Suite 7.301, Austin, Texas 78701. This alternate location will be open to the public, but seating is limited to first come, first served. Due to the size of this alternate meeting room, public seating will be limited by their relative occupancy ratings.

In lieu of attending in person, members of the public are encouraged to access and participate virtually in this meeting by entering the **URL address:** <https://us02web.zoom.us/j/89726165244> into their web browser. Telephone access numbers and additional videoconference call access information can be found in the attached addendum. An electronic copy of the agenda and meeting materials will be made available at www.bhec.texas.gov prior to the meeting. A recording of the meeting will be made available on the Council's YouTube channel after the meeting is adjourned. To obtain a copy of the recording, please contact the Council's public information officer at Open.Records@bhec.texas.gov.

For members of the public wishing to give public comment, once the public comment item is reached on the agenda after the meeting convenes, the presiding officer will allow those who are attending in person to give public comment first and then ask those joining by computer to use the "raise hand" feature to indicate who would like to make a public comment. Those individuals who raise their hand will then be unmuted to give public comment. Once all of the individuals with raised hands have been given an opportunity to make public comment, the individuals appearing by telephone will be unmuted and asked whether they would like to make a public comment. Please note that public comment is not intended for a discussion or a question-and-answer session with the Board. Additionally, when making a public comment, please identify yourself and whether you are speaking individually or on behalf of an organization. All public comments will be limited to 3 minutes, unless otherwise directed by the presiding officer. In lieu of providing public comment during the meeting, you may submit written public comments by clicking here: <https://forms.office.com/r/vcDsNf8Lnn>. Only those written public comments received by 5 p.m. on the last business day before the meeting will be submitted to the board members for their consideration. No written comments received will be read aloud during the meeting.

Please note that the board may request input during the meeting from any interested parties or members of the public during its discussion of an agenda item.

If you are planning to attend this meeting and need auxiliary aids, services or materials in an alternate format, please contact the Council at least 5 working days before the meeting date. PHONE: (512) 305-7700, TTY/RELAY TEXAS: 711 or 1-800-RELAY TX.

The board may go into Executive Session to deliberate any item listed on this agenda if authorized under Texas Open Meetings Act, Government Code, Ch. 551.

The board may discuss and take action concerning any matter on the agenda and in a different order from what it appears herein.

MFT BOARD MEETING AGENDA FOR MAY 29, 2026, 1 p.m.

1. Call meeting to order. *Includes roll call and excusal of absences if necessary.*
2. Welcome and announcements. *Includes items of public interest and concern.*
3. Public Comment. *Comments will be received from individuals attending in person, by virtual meeting, and by phone.*

INFORMATIONAL ITEMS – NO ACTIONS WILL BE TAKEN.

4. Reports on general matters.
 - a. Report from the Board Chair. *May include discussion of current challenges and accomplishments; lawsuits; interaction with stakeholders, state officials, and staff; committee appointments and functions; workload of Board members; conferences; and general information regarding the routine functioning of the Board.*
 - b. Report from the Board's Delegates to the Texas Behavioral Health Executive Council. *May include discussion regarding the activities of the Executive Council, including recently proposed or adopted rules.*
 - c. Report from the Board Administrator and other staff. *May include discussion of operations, organization, and staffing; workload processing and statistical information; customer service accomplishments, inquiries, and challenges; media, legislative, and stakeholder contacts and concerns; special projects; and general information regarding the routine functioning of the program.*
 - d. Reports from Committees.
 1. Report from Ethics Committee Chair Dr. Elder.
 2. Report from Licensing Standards Committee Chair Dr. Merchant.
 3. Report from Outreach Committee Chair Dr. Merchant.
 4. Report from Professional Development Committee Chair Dr. Bartee.
 5. Report from Rules Committee Chair Ms. Richardson.
5. Board Research Function. Discussion of the Board's research capability to support policy and rulemaking function.

MATTERS FOR POTENTIAL BOARD ACTION

6. Structure Reconfiguration. Discussion and possible action concerning the Board's committee structure.
7. Licensing matters. *May include discussion of licensing regulations and operations as they pertain to application processing.*
 - a. Board review and possible action concerning Gary Bell.
8. Examination matters. *May include reports from the Board's jurisprudence exam vendor and discussion of exam content and format.*
 - a. Board review and possible action related to changes in the Board's jurisprudence exam.
9. Enforcement matters. *May include discussion of quarterly enforcement activities, as well as discussion of agreed orders executed or cases dismissed by the Council's Executive Director.*
 - a. Board review and possible action regarding contested cases from State Office of Administrative Hearings (SOAH).
 - b. Board review and possible action regarding agreed orders to be executed by the Board.
 - c. Board review and possible action concerning informal settlement conference recommendation to dismiss Complaint #2026-00376.
10. Rulemaking. *May include discussion and referral of potential rule changes to the Rules Committee, as well as discussion of the status of rule proposals sent to the Executive Council.*
 - a. Adoption of Rules: Discussion and possible action to recommend adoption of new rules, amendments, or repeal of rules in Title 22 of the Texas Administrative Code.
 - b. Proposal of Rules: Discussion and possible action to recommend proposal of new rules, amendments, or repeal of rules in Title 22 of the Texas Administrative Code:
 - 1) §801.2 Definitions

- 2) §801.44 *Relationships with Clients*
 - 3) §801.47 *Drug and Alcohol Use*
 - 4) §801.49 *Competency and the Required Basis for Professional Judgments*
 - 5) §801.53 *Advertising and Announcements*
 - 6) §801.54 *Research and Publications*
 - 7) §801.58 *Technology-Assisted Services*
 - 8) §801.142 *Supervised Clinical Experience Requirements and Conditions*
11. Discussion and possible action concerning public comments received regarding the Association of Marital and Family Therapy Regulatory Board's (AMFTRB's) exam content outline in its 2026 Handbook for Candidates.
 12. Recommendations for agenda items for the next meeting
 13. Adjournment.

This meeting is open to the public. No reservations are required and there is no cost to attend this meeting.

CONTACT: Sarah Faszholz, Board Administrator
Texas State Board of Examiners of Marriage and Family Therapists
Visit BHEC's Contact Us webpage at <https://bhec.texas.gov/tbhec/contact-us/new-contact-form-page/> and select "Council/General Agency Matters" from the drop-down menu to send an email.

Addendum: Additional Videoconference and Telephone Conference Call Information

When: May 29, 2026 1 PM Central Time (US and Canada)

Topic: Texas State Board of Examiners of Marriage and Family Therapists

Join from PC, Mac, iPad, or Android: <https://us02web.zoom.us/j/89726165244>

Phone one-tap:

+13462487799,,89726165244# US (Houston)

+12532158782,,89726165244# US (Tacoma)

Join via audio:

+1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma)

+1 669 444 9171 US

+1 669 900 9128 US (San Jose)

+1 719 359 4580 US

+1 253 205 0468 US

+1 689 278 1000 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 360 209 5623 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 646 558 8656 US (New York)

+1 646 931 3860 US

Webinar ID: 897 2616 5244

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

Summary of Council's Activities

A. Affecting Title 22 of the Texas Administrative Code (22 TAC), the Council's rulemaking actions taken at its February 17, 2026, meeting, included adopted rules, published in the March 13, 2026, *Texas Register* and **effective March 18, 2026** (updated [Consolidated Rulebooks](#) were posted March 25, 2026):

1. [§801.2](#) *Definitions* – removes the term “regionally” to expand the category of acceptable accrediting agencies to include regional, national, and institutional accrediting bodies, as long as they are recognized by CHEA, THECB, or the U.S. Department of Education; and adds the recently created “temporary” license to the definition of license.
2. [§801.57](#) *Child Custody Evaluations* – conforms the rule to the statutory changes made to §§107.104 and 107.112 of the Family Code by H.B. 2340 from the 89th Legislature, Regular Session (2025).
3. [§801.112](#) *General Academic Requirements* – removes the term “regionally” to expand the category of acceptable accrediting agencies to include regional, national, and institutional accrediting bodies, as long as they are recognized by CHEA, THECB, or the U.S. Department of Education; and aligns the requirement that all courses must receive a passing grade and be credited on an applicant's transcript, removing the requirement that some courses receive a “B” letter grade.
4. [§801.113](#) *Academic Requirements* – removes the term “regionally” to expand the category of acceptable accrediting agencies to include regional, national, and institutional accrediting bodies, as long as they are recognized by CHEA, THECB, or the U.S. Department of Education.
5. [§801.204](#) *Licensing of Military Service Members, Military Veterans, and Military Spouses* – aligns the Council's rules with changes made to Texas Occupations Code Chapter 55 by the 89th Legislature regarding licensing of military service members, veterans, and spouses.
6. [§882.60](#) *Special Provisions Applying to Military Service Members, Veterans, and Spouses* – aligns the Council's rules with changes made to Texas Occupations Code Chapter 55 by the 89th Legislature regarding licensing of military service members, veterans, and spouses.
7. [§882.61](#) *Special Licensing Provisions for Service Members and Military Spouses* – aligns the Council's rules with changes made to Texas Occupations Code Chapter 55 by the 89th Legislature regarding licensing of military service members, veterans, and spouses.
8. [§884.11](#) *Informal Conferences* – streamlines the enforcement process and better aligns it with other agency rules.
9. [§885.1](#) *Executive Council Fees* – removes a prior fee schedule that has not been in effect for over two years; adds a fee for requesting an 11" by 14" wall printing of a license; and conforms language to other rule changes that rename Licensed Specialists in School Psychology to School Psychologist.

B. There were no proposed rules considered at the Council's February 17, 2026, meeting.

C. Other Council updates include but may not be limited to the following:

1. Budget and Travel Reports
2. FY26 Q1 Enforcement Report
3. Operating Budget for Fiscal Year 2026
4. Review of new and updated agency policies
5. President's December 11, 2025, Executive Order Ensuring a National Policy Framework for Artificial Intelligence

Texas Behavioral Health Executive Council
Operating Budget
As of December 31, 2025

Program	Licensing	Enforcement	Indirect	TexasOnline	Totals
Appropriations - GR	2,598,502	2,145,273	239,975	180,405	5,164,155
Excess Collected Revenue		8,800			8,800
Appropriation Transfers In (Salary Adjustments)	19,260	19,260			38,521
Interagency Transfers out (HPC)	-149,040	-149,040			-298,080
Interagency Transfers out					0
Interagency Transfers in					0
eStrategy Exam Revenue	317,919				317,919
eStrategy Exam Appropriation Receipts	48,360				48,360
eStrategy Exam Revenue Credit Card Fees				10,929	10,929
Lapsed Funds					0
Total Receipts	2,835,001	2,024,293	239,975	191,334	5,290,604
Expenditures					
7002 Sal-Full Time Class	617,755	579,348	43,787		-1,240,890
7003 Sal-Part Time Class					0
7017 One Time Merit Increase	4,600				-4,600
7022 Longevity	8,360	7,300	360		-16,020
7023 Lump Sum Termination					0
7024 Termination - Death Benefit					0
7033 Employee Retirement Cont.	8,408	6,698			-15,107
7040 Additional Payroll Ret. Cont.	3,089	2,897	219		-6,204
7042 Payroll Health Insurance 1%	5,427	4,915	438		-10,780
7050 Benefit Repl Pay					0
7101 Travel-In St-Pub Trans	1,719	1,719			-3,438
7102 Travel-In State Mileage	1,697	1,697			-3,393
7104 Travel-In State Actual Overnight	255	255			-511
7105 Travel-In State Incident	755	755			-1,509
7106 Travel-In State Meals	779	779			-1,557
7107 Travel-In State Non-Overnight					0
7108 Travel-In State Meals					0
7110 Bd Member Meals	1,926	1,926			-3,851
7111 Travel - OOS-Public Trans	1,919	1,841			-3,760
7114 Travel - OOS Actual Expense	414	414			-828
7115 Travel - OOS Incidental	280	281			-561
7116 Travel - OOS Meals/Lodging	1,110	1,110			-2,219
7124 Travel-In State Twin Engine Aircraft					0
7130 Travel - OOS Board Member Meals	384	384			-768
7135 Travel-Hotel Occ.Tax	7	7			-13
7136 Travel-Hotel Occ.Tax-Galveston					0
7201 Membership Fees			575		-575
7203 Reg Fees Empl Trng	125	125	2,355		-2,605
7204 Insurance Premiums					0
7210 Fees and Other Charges					0
7211 Awards					0
7219 eStrategy Exam Credit Card fees				10,804	-10,804
7219 Texas.gov Subscription fees				60,320	-60,320
7223 Court Costs					0
7253 Prof Serv-Other	2,400	1,050			-3,450
7257 Legal Services - SOAH					0
7267 Pers. Prop. Repair-Comp					0
7273 Printing Forms/Bus Cds	1,173				-1,173
7275 IT Services					0
7276 Elec Comm - Internet	25	25	509		-558
7285 DataCenter Costs	5,772	5,771			-11,543

7286	Freight Delivery					0
7291	Postal Services					0
7295	Investigation Expenses					0
7299	eStrategy Exams					0
7299	Purc. Contracted Svc	314,270		1,613		-315,883
7300	Consumables	4,123	1,408			-5,530
7303	Subscriptions					0
7334	Furn & Equip-expensed	311	311			-622
7335	Computer Parts-expensed					0
7367	Pers. Prop. - Maint					0
7374	Pers. Prop. - Equipment					0
7377	Pers. Prop. Comp Equip - expensed					0
7378	Pers. Prop. Comp Equip - controlled					0
7380	Intangible - Computer Software					0
7382	Pers. Prop. - Books/Ref Mat.					0
7406	Rental - Equipment	598	598			-1,196
7442	Rental of Motor Vehicles					0
7503	Telecomm-Long Distance		136			-136
7470	Rental-Storage/Space			90		-90
7510	Telcom Parts/ Supplies					0
7526	Waste Disposal/Shredding					0
7806	Interest on Late Pmts					0
7947	SORM Pmt					0
7961	Telecomm-Cap Compl	2,265	2,265			-4,530
7962	Cap. Cplx. Transfers	2,231	2,231			-4,462
7984	Unemployment			3,536		-3,536
Total Expense		992,174	626,244	53,482	71,124	1,743,023
Cash Available (Encumbrances)		1,842,827	1,398,050	186,493	120,210	3,547,581
Percent of Budget Spent		35%	31%	22%	37%	33%
Percent of Budget Remaining		65%	69%	78%	63%	67%

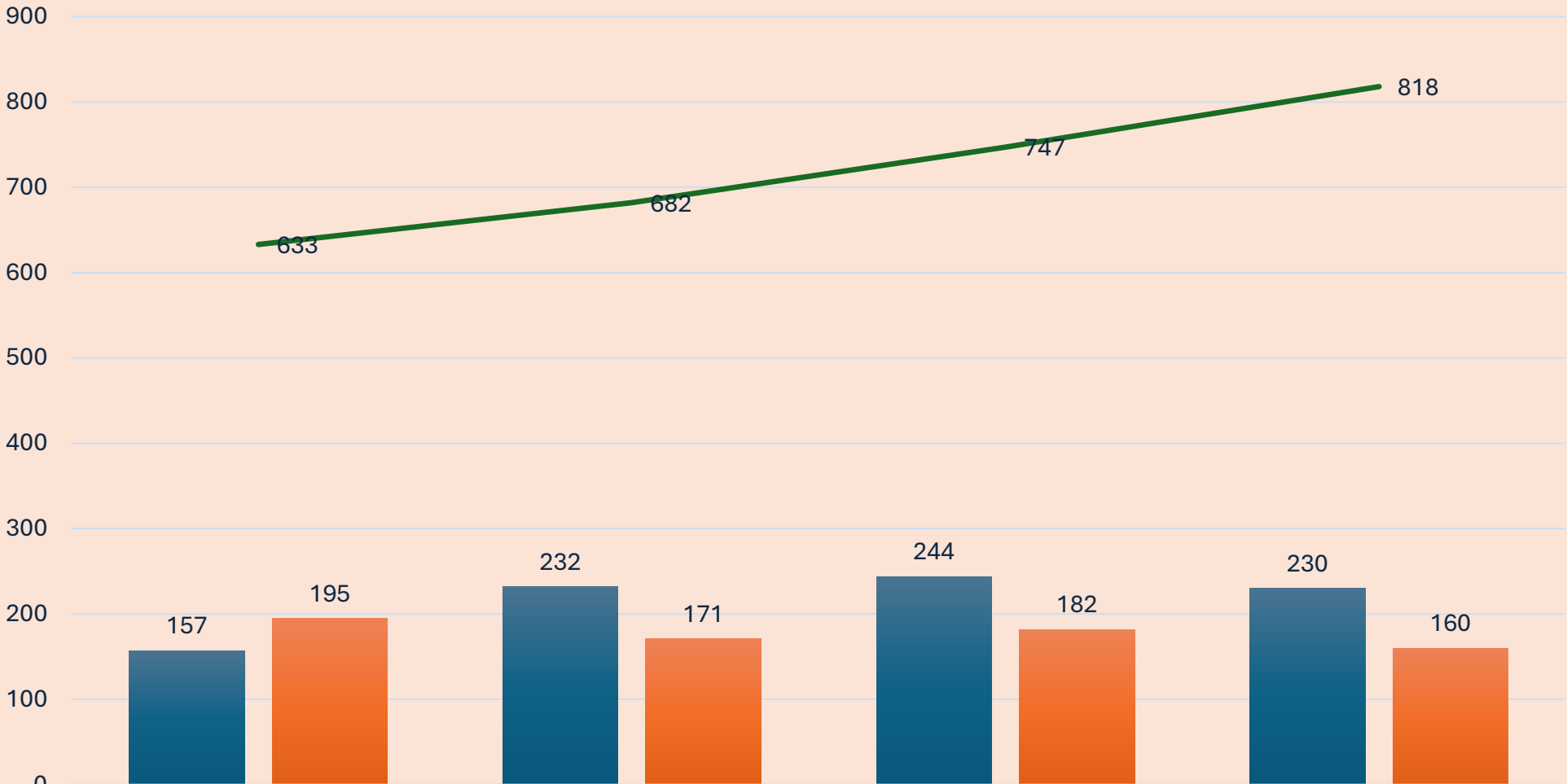
Percent of FY 2025 Remaining

66%

FY 26 Q1 Enforcement Report

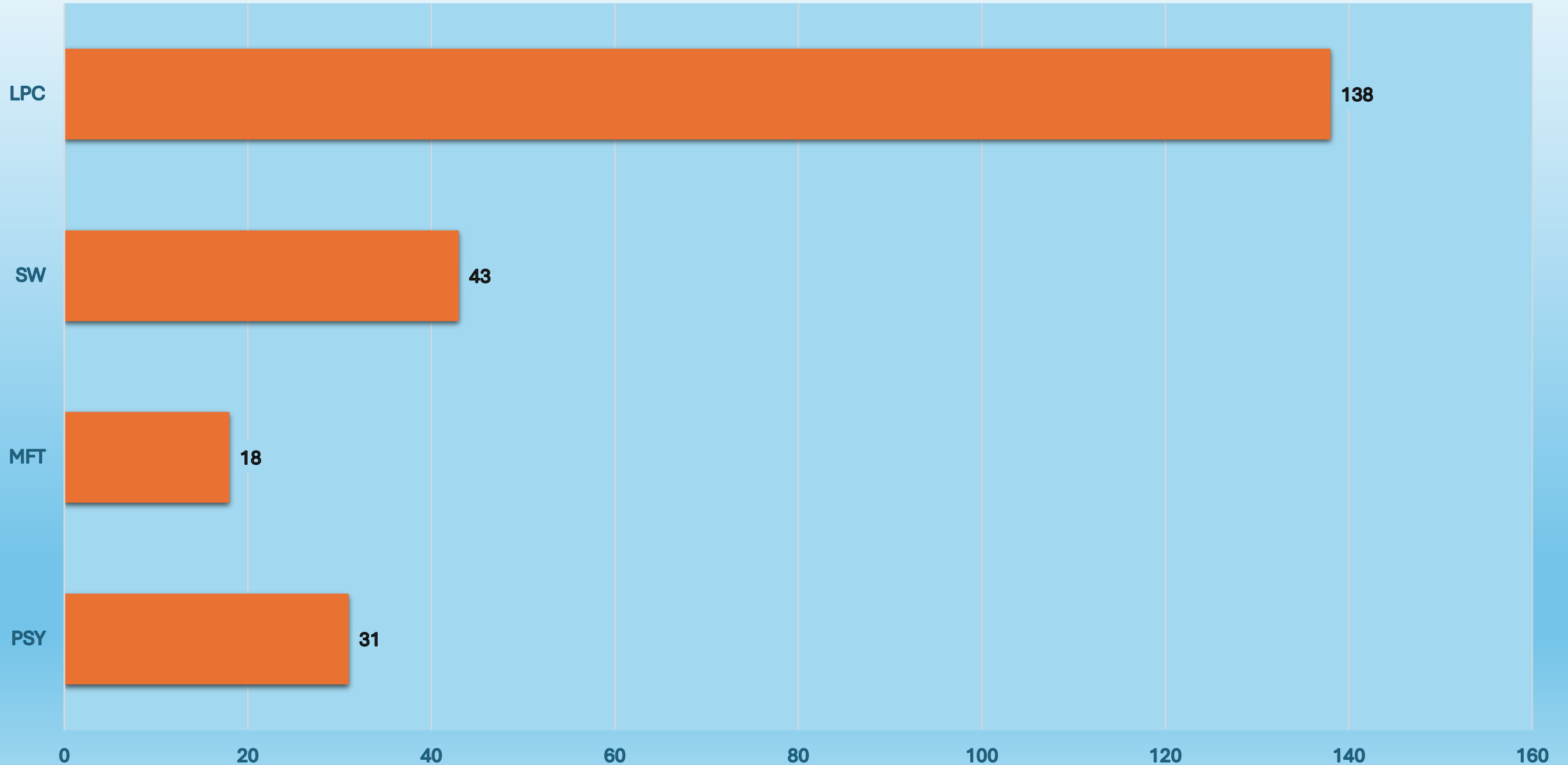
(September 1, 2025- November 31, 2025)

Complaints: Received, Resolved & Pending

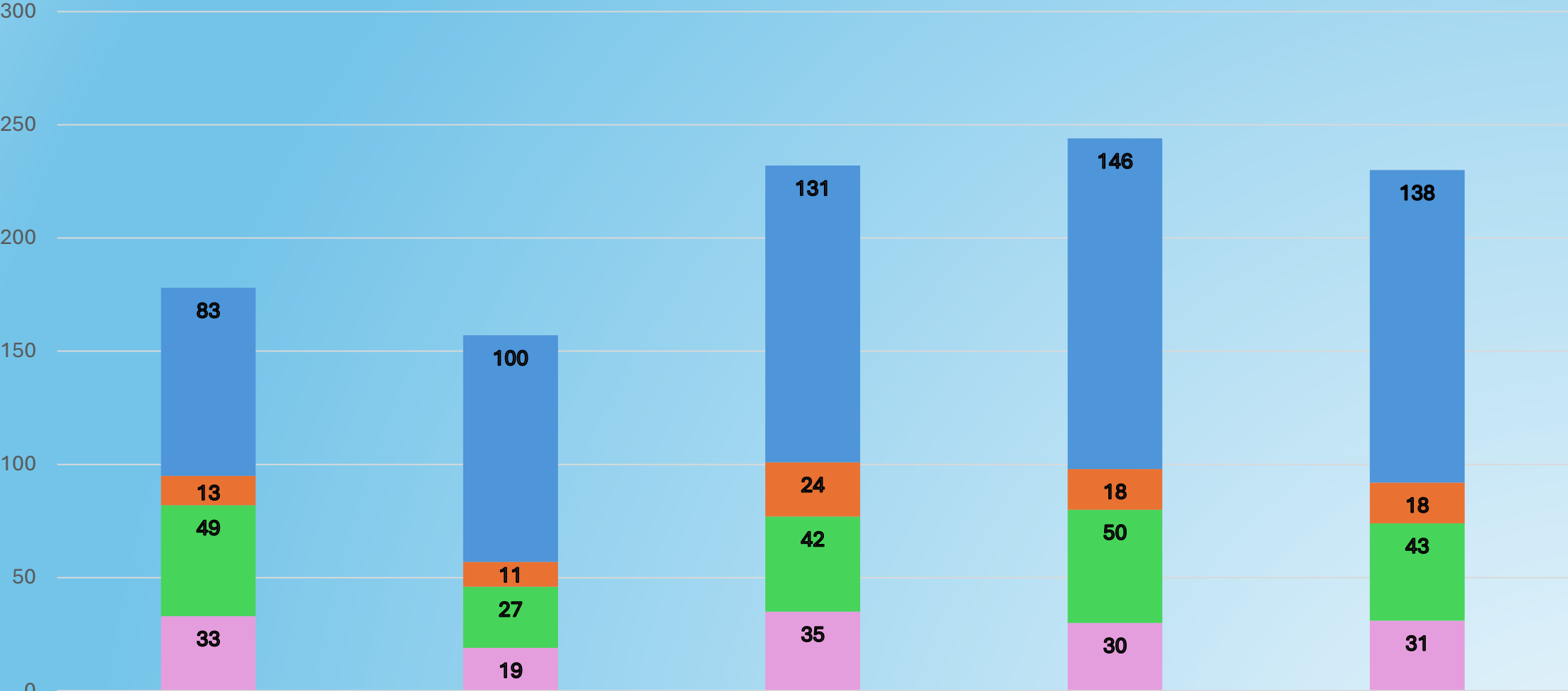


	FY25 Q2	FY25 Q3	FY25 Q4	FY26 Q1
New Complaints Received	157	232	244	230
Complaints Resolved	195	171	182	160
Total Pending Complaints	633	682	747	818

New Complaints Received by Board During Q1

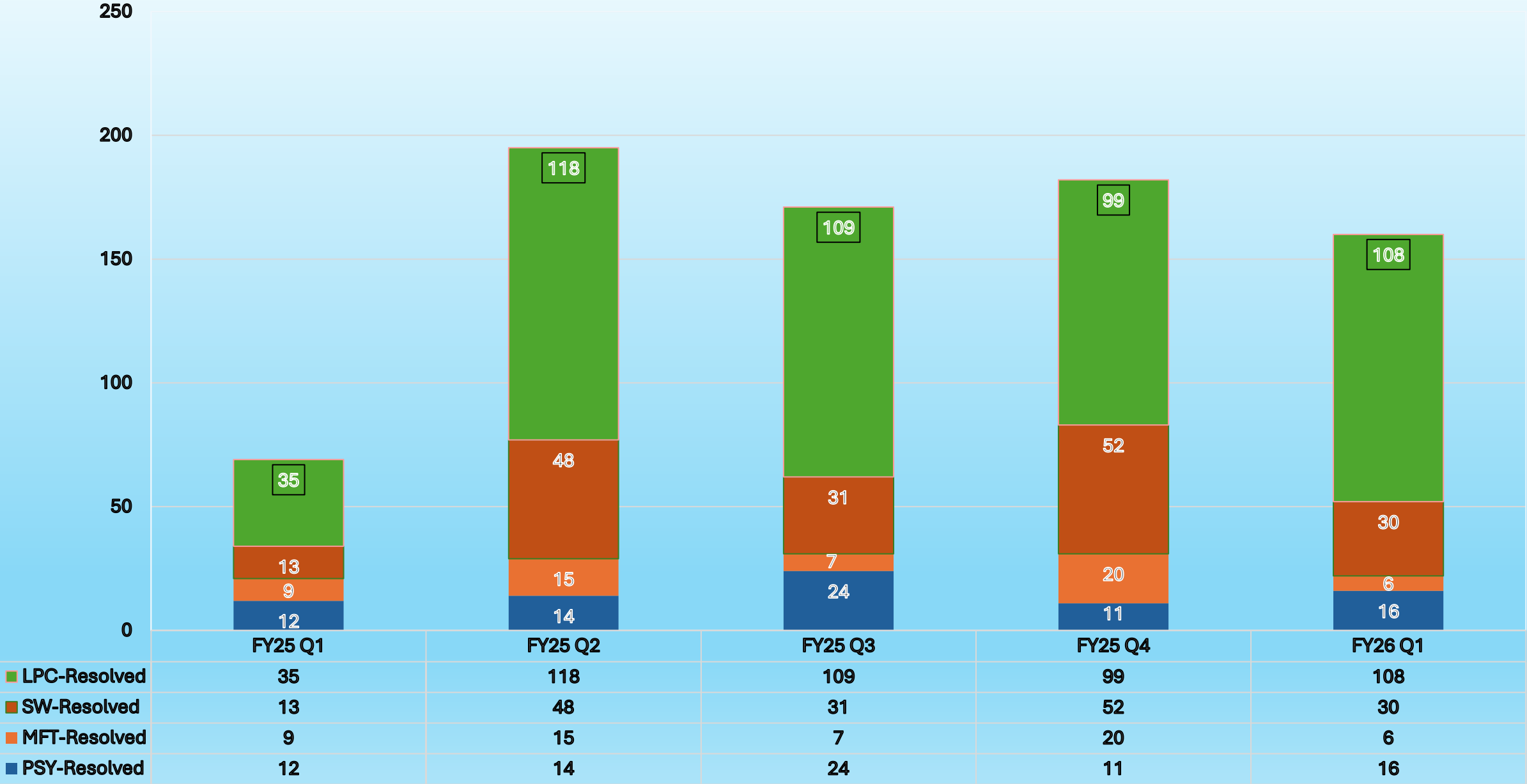


Complaints Received by Board

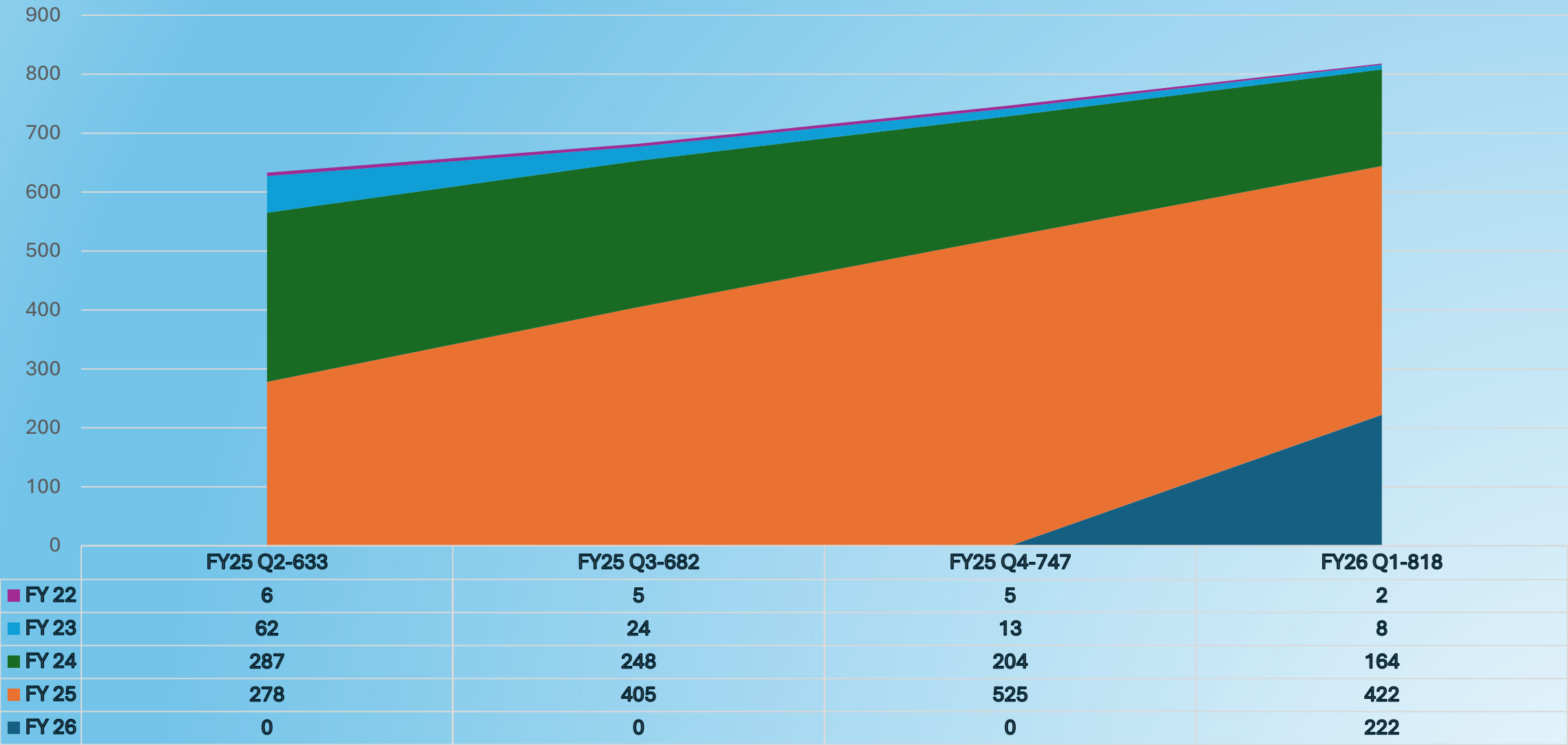


	FY25 Q1	FY25 Q2	FY25 Q3	FY25 Q4	FY26 Q1
LPC-Received	83	100	131	146	138
MFT-Received	13	11	24	18	18
SW-Received	49	27	42	50	43
PSY-Received	33	19	35	30	31

Complaints Resolved by Board

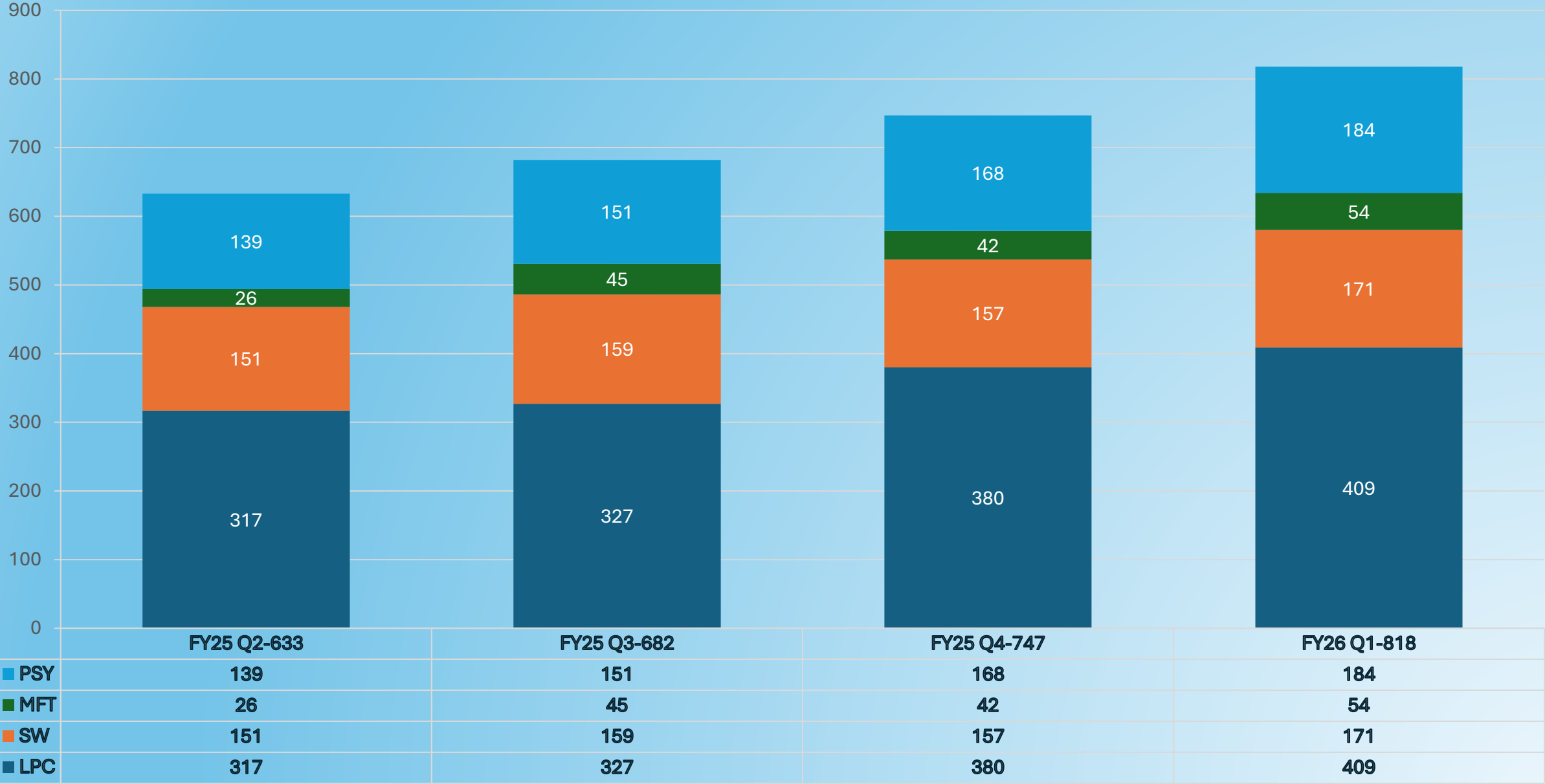


Pending Complaints by Fiscal Year

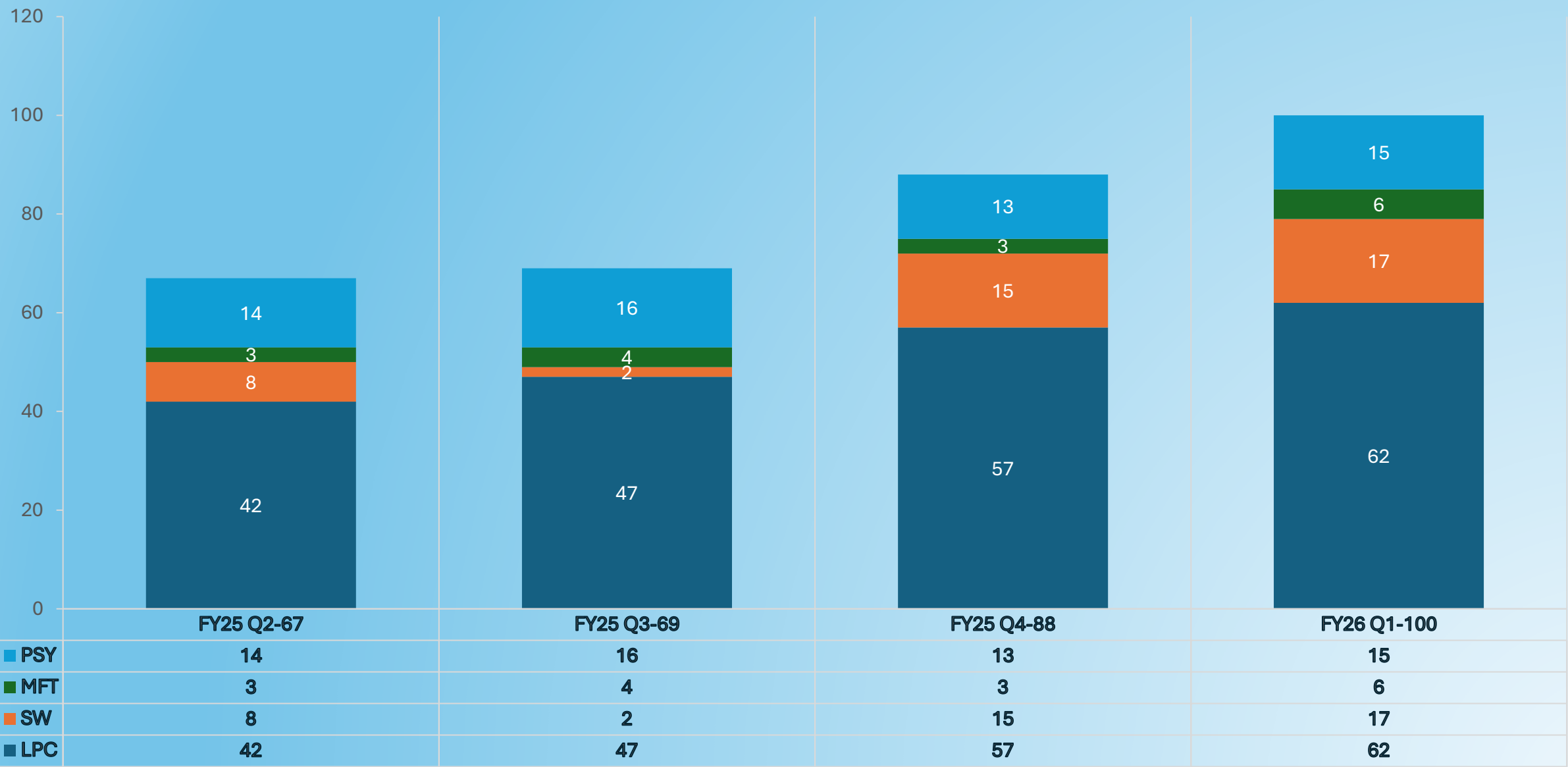


FY 26 FY 25 FY 24 FY 23 FY 22

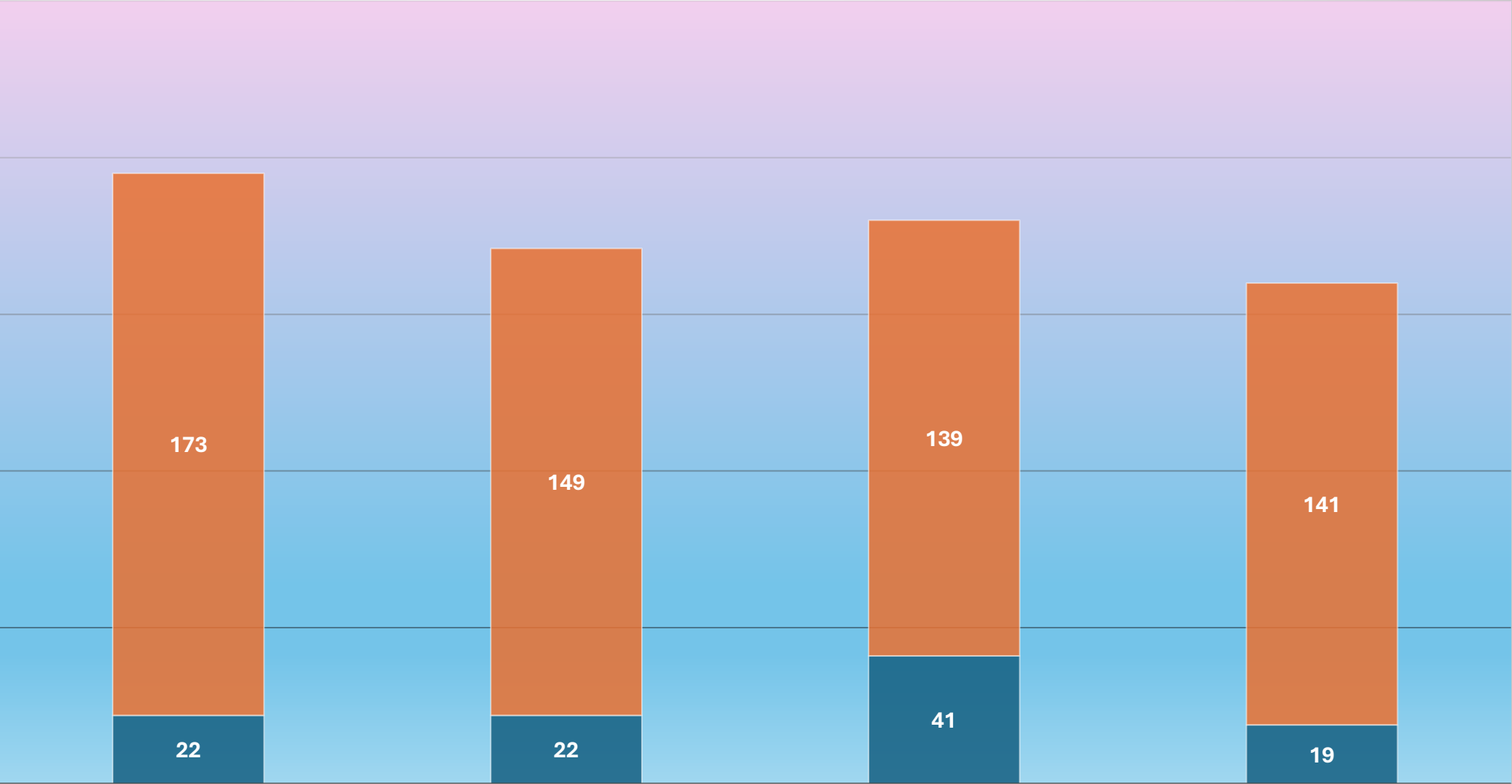
PENDING COMPLAINTS BY BOARD



PRIORITY 1 COMPLAINTS (IMMINENT PHYSICAL HARM AND SEXUAL MISCONDUCT)

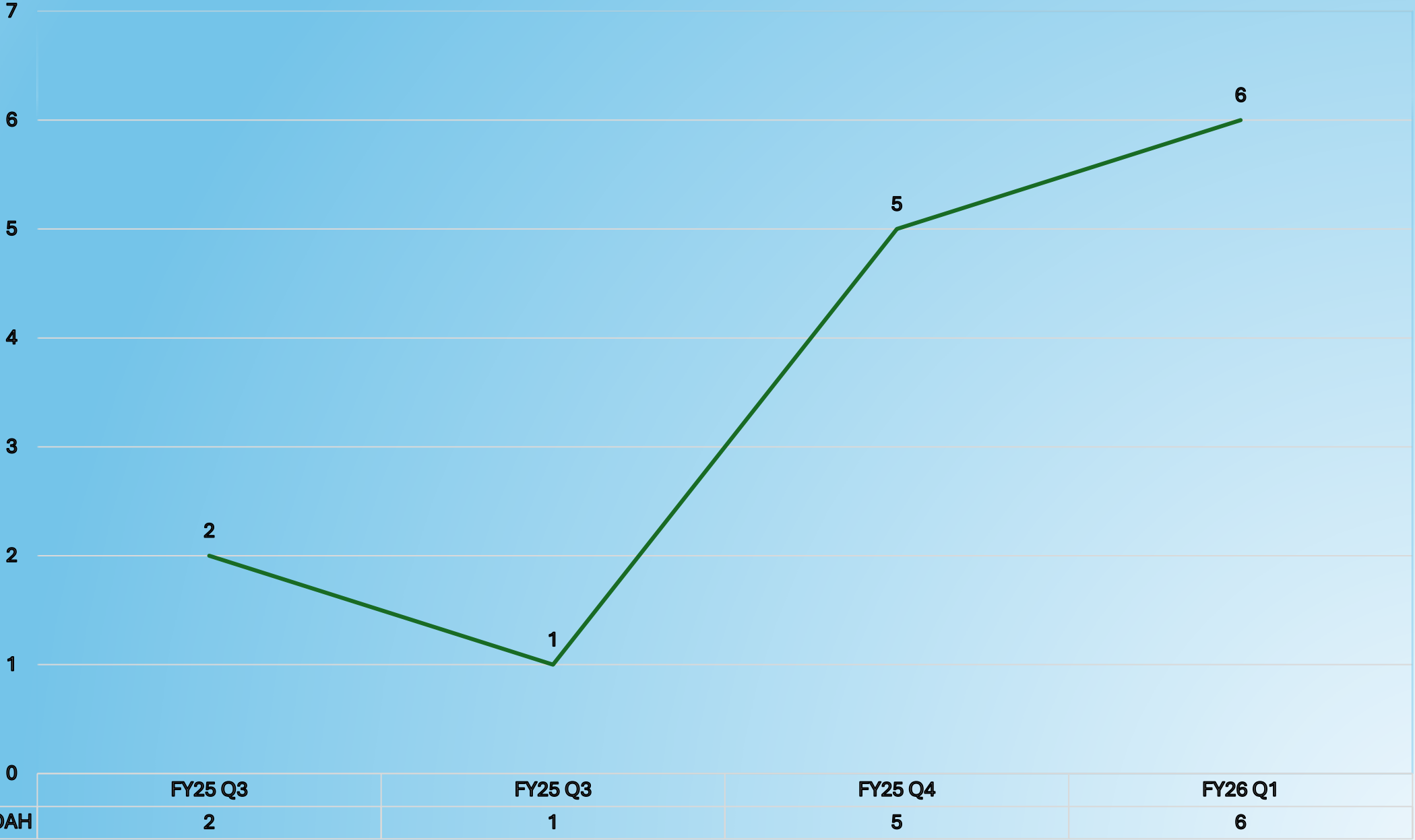


Resolved Complaints by Quarter

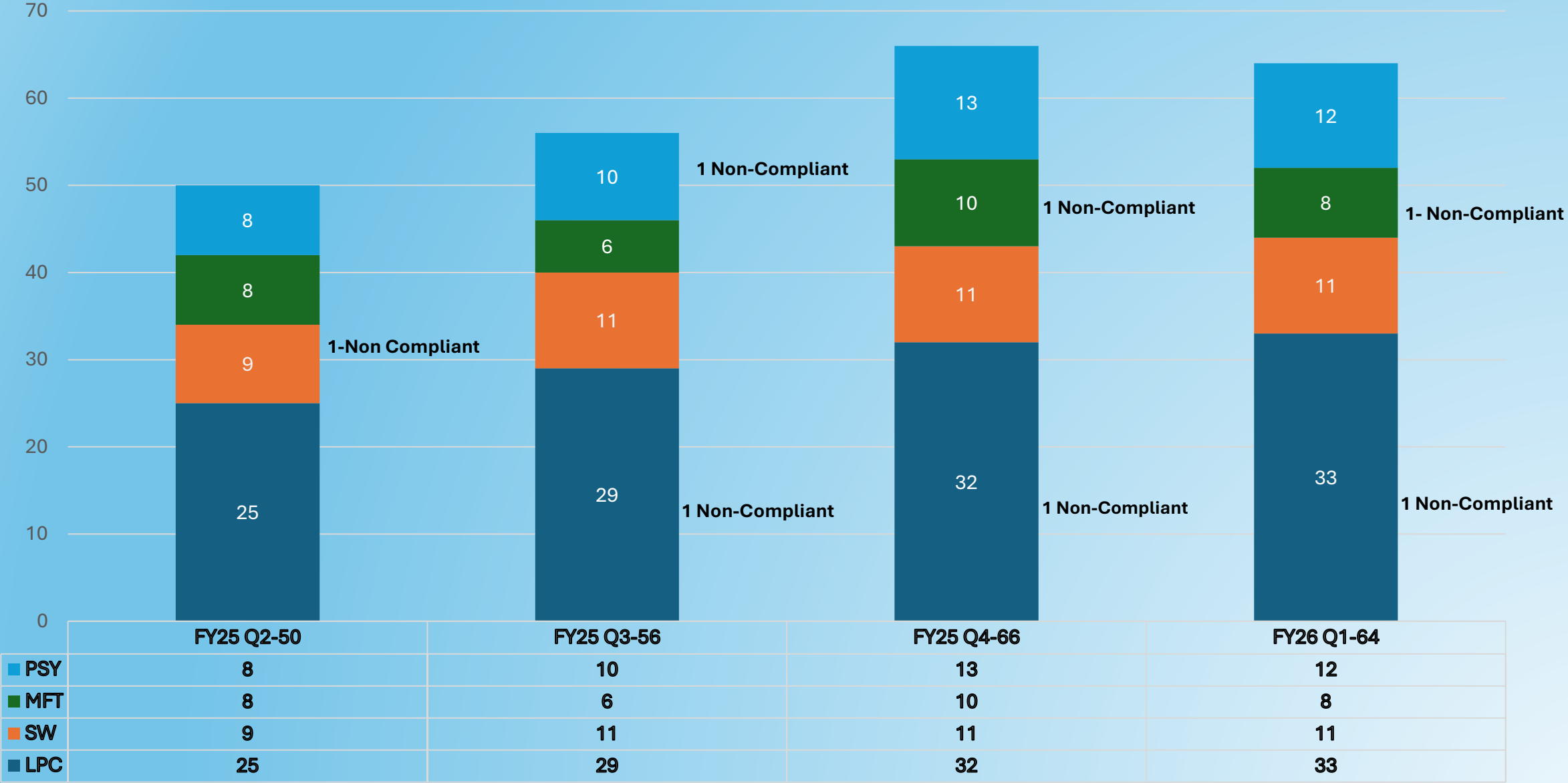


	FY25 Q2-195	FY25 Q3-171	FY25 Q4-180	FY26 Q1-160
By Dismissal	173	149	139	141
By Disciplinary Order	22	22	41	19

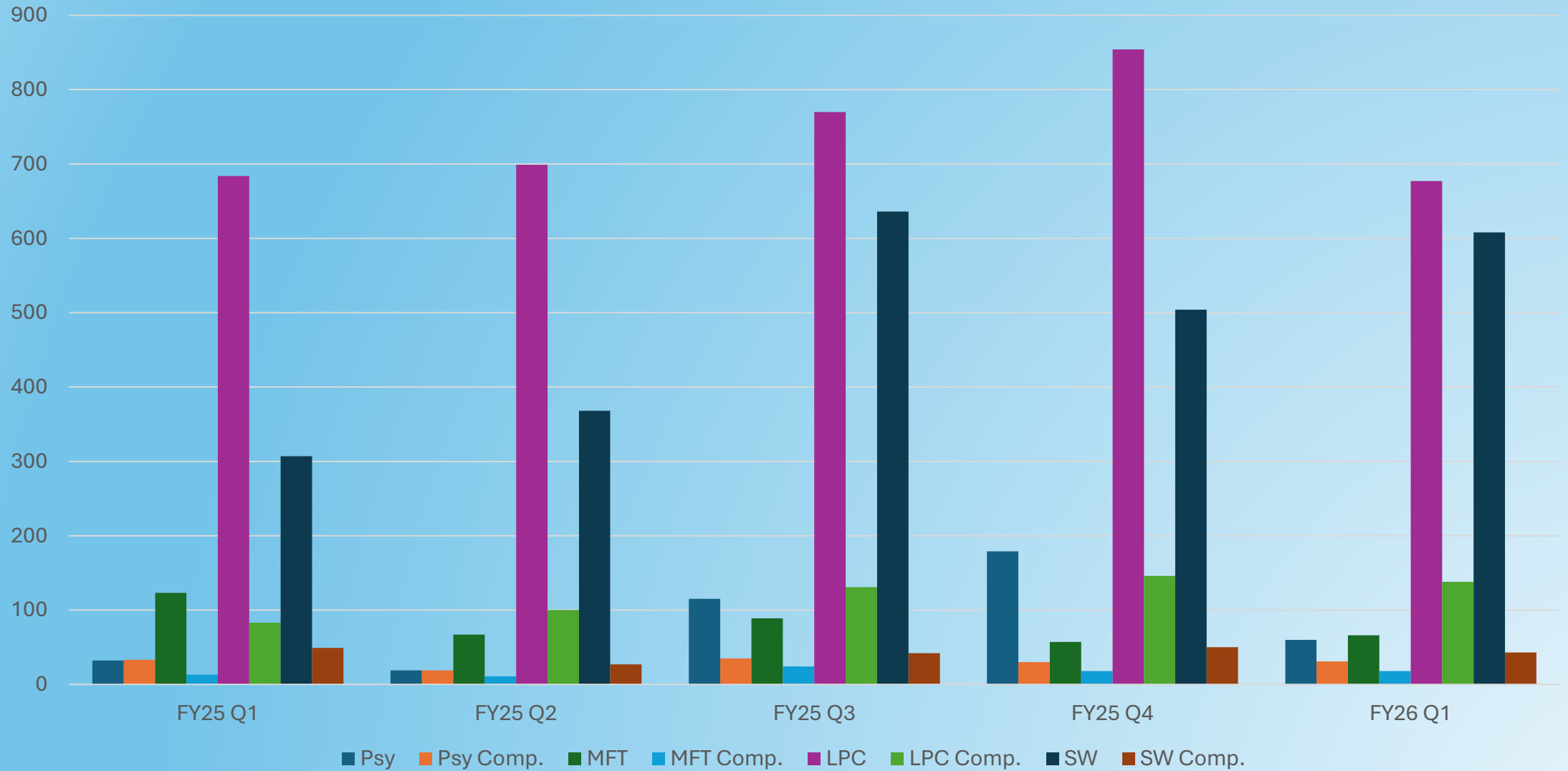
Contested Complaints Heard at SOAH



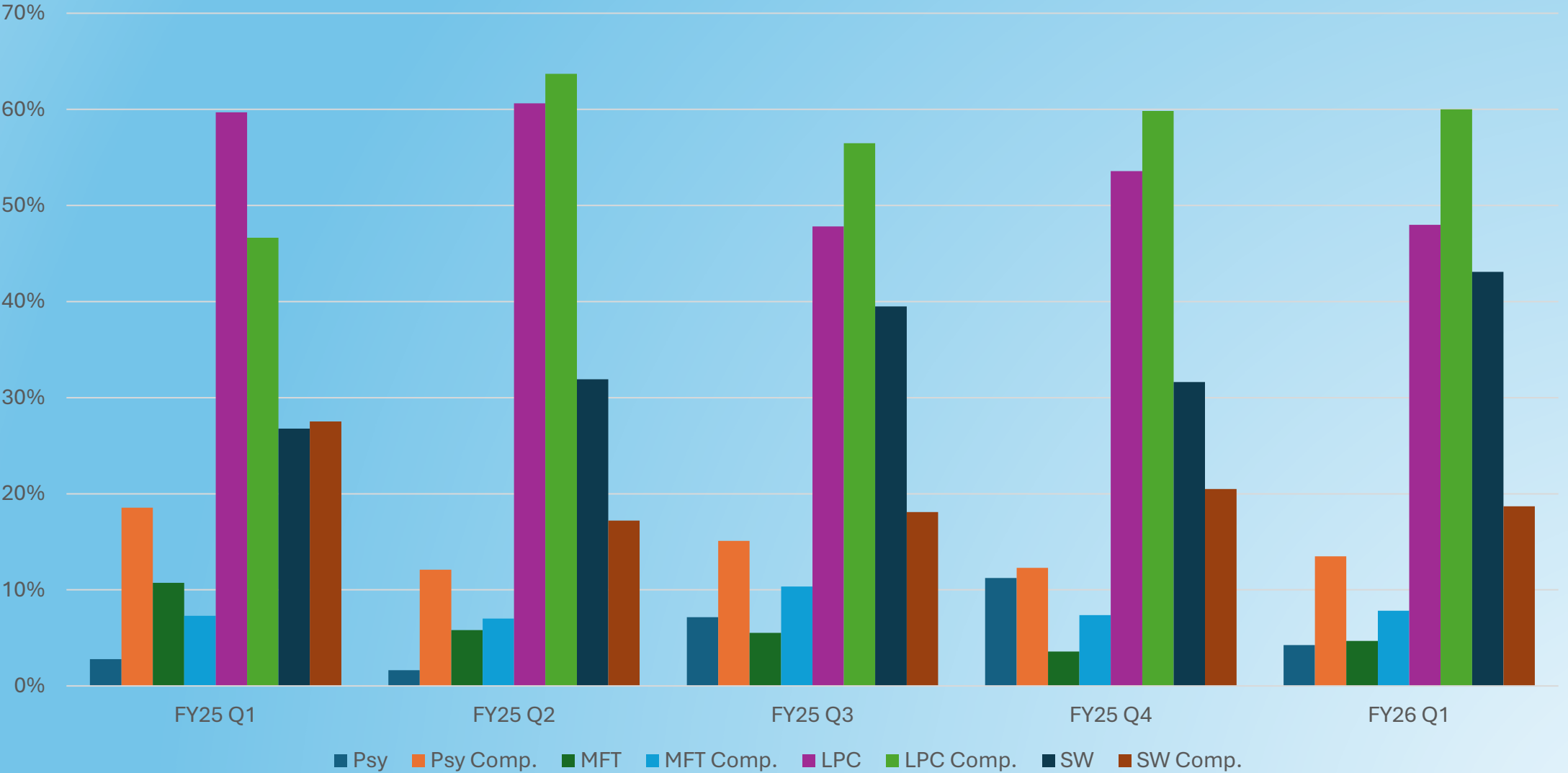
Under Compliance



New Licenses vs. New Complaints



Percentage of New Licenses and Complaints



Total number of Licenses



	FY25 Q1	FY25 Q2	FY25 Q3	FY25 Q4	FY26 Q1
SW	33793	34158	34794	35295	35907
LPC	38237	38936	39706	40560	41237
MFT	5261	5328	5417	5474	5540
Psy	11885	11904	12019	12198	12258
Total	89176	90326	91936	93527	94942

**OPERATING BUDGET
FISCAL YEAR 2026**

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

by

**TEXAS BEHAVIORAL HEALTH
EXECUTIVE COUNCIL**

November 24, 2025

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CERTIFICATE

Agency Name Texas Behavioral Health Executive Council

This is to certify that the information contained in the agency operating budget filed with the Legislative Budget Board (LBB) and the Office of the Governor, Budget and Policy Division, is accurate to the best of my knowledge and that the electronic submission to the LBB via the Automated Budget and Evaluation System of Texas (ABEST) and the PDF file submitted via the LBB Document Submission application are identical.

Additionally, should it become likely at any time that unexpended balances will accrue for any account, the LBB and the Office of the Governor will be notified in writing in accordance with Senate Bill 1, Article IX, Section 7.01, Eighty-ninth Legislature, Regular Session, 2025.

Chief Executive Office or Presiding Judge

Darrel Spinks
Signature

Darrel Spinks
Printed Name

Executive Director
Title

11/19/25
Date

Board or Commission Chair

John Bielamowicz
Signature

John K. Bielamowicz
Printed Name

Presiding Member
Title

November 19, 2025
Date

Chief Financial Officer

Jennifer Noack
Signature

Jennifer Noack
Printed Name

Chief Financial Officer
Title

11-19-25
Date

Budget Overview
89th Regular Session, Fiscal Year 2026 Operating Budget
Automated Budget and Evaluation System of Texas (ABEST)

510 Behavioral Health Executive Council

	GENERAL REVENUE FUNDS						OTHER FUNDS		ALL FUNDS	
	2025	2026	2025	2026	2025	2026	2025	2026	2025	2026
Goal: 1. Protect Public through										
Quality Program of Licensure										
1.1.1. Licensing	1,985,477	2,393,122					1,246,464	1,131,055	3,231,941	3,524,177
1.1.2. Texas.Gov	235,238	180,405					32,121	29,945	267,359	210,350
Total, Goal	2,220,715	2,573,527					1,278,585	1,161,000	3,499,300	3,734,527
Goal: 2. Protect the Public through										
Enforcement of Laws and Rules										
2.1.1. Enforcement	2,178,475	2,184,757					30,550	15,000	2,209,025	2,199,757
Total, Goal	2,178,475	2,184,757					30,550	15,000	2,209,025	2,199,757
Goal: 3. Indirect Administration										
3.1.1. Indirect Administration	47,063	239,975							47,063	239,975
Total, Goal	47,063	239,975							47,063	239,975
Total, Agency	4,446,253	4,998,259					1,309,135	1,176,000	5,755,388	6,174,259
Total FTEs									56.4	60.0

2.A. Summary of Budget By Strategy

DATE : 11/13/2025

TIME : 10:48:34AM

89th Regular Session, Fiscal Year 2026 Operating Budget
Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 510 Agency name: Behavioral Health Executive Council

Goal/Objective/STRATEGY	EXP 2024	EXP 2025	BUD 2026
1 Protect Public through Quality Program of Licensure			
1 Ensure Practitioners Meet Standards for Licensure			
1 LICENSING	\$3,097,785	\$3,231,941	\$3,524,177
2 TEXAS.GOV	\$248,548	\$267,359	\$210,350
TOTAL, GOAL 1	\$3,346,333	\$3,499,300	\$3,734,527
2 Protect the Public through Enforcement of Laws and Rules			
1 Ensure All Practitioners Comply with Established Laws and Rules			
1 ENFORCEMENT	\$2,123,389	\$2,209,025	\$2,199,757
TOTAL, GOAL 2	\$2,123,389	\$2,209,025	\$2,199,757
3 Indirect Administration			
1 Indirect Administration			
1 INDIRECT ADMINISTRATION	\$48,028	\$47,063	\$239,975
TOTAL, GOAL 3	\$48,028	\$47,063	\$239,975

2.A. Summary of Budget By Strategy

DATE : 11/13/2025

TIME : 10:48:34AM

89th Regular Session, Fiscal Year 2026 Operating Budget
Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 510 Agency name: Behavioral Health Executive Council

Goal/Objective/STRATEGY	EXP 2024	EXP 2025	BUD 2026
General Revenue Funds:			
1 General Revenue Fund	\$4,243,845	\$4,446,253	\$4,998,259
	\$4,243,845	\$4,446,253	\$4,998,259
Other Funds:			
666 Appropriated Receipts	\$1,273,905	\$1,309,135	\$1,176,000
	\$1,273,905	\$1,309,135	\$1,176,000
TOTAL, METHOD OF FINANCING	\$5,517,750	\$5,755,388	\$6,174,259
FULL TIME EQUIVALENT POSITIONS	58.7	56.4	60.0

2.B. Summary of Budget By Method of Finance
89th Regular Session, Fiscal Year 2026 Operating Budget
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/13/2025
TIME: 10:48:48AM

Agency code: 510

Agency name: Behavioral Health Executive Council

METHOD OF FINANCING	Exp 2024	Exp 2025	Bud 2026
<u>GENERAL REVENUE</u>			
<u>1</u> General Revenue Fund			
<i>REGULAR APPROPRIATIONS</i>			
Regular Appropriations from MOF Table (2024-25 GAA)	\$4,163,286	\$4,361,190	\$0
Regular Appropriations from MOF Table (2026-27 GAA)	\$0	\$0	\$5,164,155
<i>RIDER APPROPRIATION</i>			
Art IX, Sec 9.04, Texas.gov Project: Occupational Licenses (2024-25 GAA)	\$81,013	\$99,238	\$0
Comments: The agency collected \$217,013 in Texas.gov subscriptions fees in FY24, and \$235,238 in FY25. Each of these years only \$136,000 was budgeted. Beginning with the FY26-27 budget, this increased to \$180,405.			
Art IX, Sec 9.04, Texas.gov Project: Occupational Licenses (2026-27 GAA)	\$0	\$0	\$0
Comments: The agency collected \$217,013 in Texas.gov subscriptions fees in FY24, and \$235,238 in FY25. Each of these years only \$136,000 was budgeted. Beginning with the FY26-27 budget, this increased to \$180,405. The agency still expects to collect around \$225,000, so the anticipated difference is included here.			
Art IX, Sec 17.15, Salary Increase for Licensed Attorneys (2026-2027 GAA)	\$0	\$0	\$34,104
<i>LAPSED APPROPRIATIONS</i>			
Regular Appropriations from MOF Table (2024-25 GAA)	\$(454)	\$(14,175)	\$0
Regular Appropriations from MOF Table (2026-27 GAA)	\$0	\$0	\$(200,000)
Comments: No way to implement a social worker Spanish licensing exam, as BHEC does not own the exam.			
TOTAL, General Revenue Fund	\$4,243,845	\$4,446,253	\$4,998,259

2.B. Summary of Budget By Method of Finance
89th Regular Session, Fiscal Year 2026 Operating Budget
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/13/2025
TIME: 10:48:48AM

Agency code: 510		Agency name: Behavioral Health Executive Council		
METHOD OF FINANCING		Exp 2024	Exp 2025	Bud 2026
TOTAL, ALL GENERAL REVENUE		\$4,243,845	\$4,446,253	\$4,998,259
OTHER FUNDS				
666 Appropriated Receipts				
REGULAR APPROPRIATIONS				
Regular Appropriations from MOF Table (2024-2025 GAA)		\$1,148,500	\$1,148,500	\$0
Regular Appropriations from MOF Table (2026-27 GAA)		\$0	\$0	\$1,176,000
RIDER APPROPRIATION				
Art IX, Sec 8.02, Reimbursements and Payments (2024-25 GAA)		\$38,850	\$15,550	\$0
Art IX, Sec 8.02, Reimbursements and Payments (2026-27 GAA)		\$0	\$0	\$0
Art IX, Sec 12.02, Publications or Sales of Records (2024-25 GAA)		\$32,894	\$72,582	\$0
Art IX, Sec 12.02, Publications or Sales of Records (2026-27 GAA)		\$0	\$0	\$0
Art IX, Sec 8.10, Credit, Charge, or Debit Card Service (2024-25 GAA)		\$1,590	\$2,176	\$0
Art IX, Sec 8.10, Credit, Charge, or Debit Card Service (2026-27 GAA)		\$0	\$0	\$0
Art IX, Sec 8.07, Seminars and Conferences (2024-25 GAA)		\$52,071	\$70,327	\$0
Art IX, Sec 8.07, Seminars and Conferences (2026-27 GAA)		\$0	\$0	\$0
TOTAL, Appropriated Receipts		\$1,273,905	\$1,309,135	\$1,176,000
TOTAL, ALL OTHER FUNDS		\$1,273,905	\$1,309,135	\$1,176,000

DATE: 11/13/2025
TIME: 10:48:48AM

2.C. Summary of Budget By Object of Expense
89th Regular Session, Fiscal Year 2026 Operating Budget
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/13/2025
TIME: 10:49:04AM

Agency code: 510		Agency name: Behavioral Health Executive Council		
OBJECT OF EXPENSE		EXP 2024	EXP 2025	BUD 2026
1001	SALARIES AND WAGES	\$3,207,046	\$3,484,191	\$3,734,208
1002	OTHER PERSONNEL COSTS	\$499,999	\$485,724	\$307,720
2001	PROFESSIONAL FEES AND SERVICES	\$41,464	\$54,135	\$134,148
2003	CONSUMABLE SUPPLIES	\$27,065	\$11,271	\$23,840
2004	UTILITIES	\$275	\$412	\$600
2005	TRAVEL	\$43,321	\$45,782	\$130,000
2006	RENT - BUILDING	\$1,148	\$360	\$360
2007	RENT - MACHINE AND OTHER	\$9,358	\$10,210	\$10,560
2009	OTHER OPERATING EXPENSE	\$1,688,074	\$1,663,303	\$1,832,823
5000	CAPITAL EXPENDITURES	\$0	\$0	\$0
Agency Total		\$5,517,750	\$5,755,388	\$6,174,259

2.D. Summary of Budget By Objective Outcomes
89th Regular Session, Fiscal Year 2026 Operating Budget
Automated Budget and Evaluation system of Texas (ABEST)

Date : 11/17/2025
Time: 10:53:33AM

Agency code: 510 Agency name: Behavioral Health Executive Council

Goal/ Objective / OUTCOME		Exp 2024	Exp 2025	Bud2026
1	Protect Public through Quality Program of Licensure			
	<i>1 Ensure Practitioners Meet Standards for Licensure</i>			
KEY	1 Percent of Licensees with No Recent Violations	99.74 %	99.75 %	98.00 %
2	Protect the Public through Enforcement of Laws and Rules			
	<i>1 Ensure All Practitioners Comply with Established Laws and Rules</i>			
KEY	1 Percent of Complaints Resulting in Disciplinary Action	15.00 %	17.00 %	16.00 %
	2 Percent of Documented Complaints Resolved Within Six Months	44.00 %	49.00 %	40.00 %

3.A. Strategy Level Detail

89th Regular Session, Fiscal Year 2026 Operating Budget
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/17/2025
TIME: 11:23:33AM

Agency code: **510** Agency name: **Behavioral Health Executive Council**

GOAL: 1 Protect Public through Quality Program of Licensure

OBJECTIVE: 1 Ensure Practitioners Meet Standards for Licensure

STRATEGY: 1 Operate Quality Program of Licensure

Service Categories:

Service: 23 Income: A.2 Age: B.3

CODE	DESCRIPTION	EXP 2024	EXP 2025	BUD 2026
Output Measures:				
KEY 1	Number of New Certificates/Licensees Issued to Individuals	11,601.00	12,093.00	12,500.00
KEY 2	Number of Certificates/Licenses Renewed (Individuals)	32,374.00	36,535.00	38,500.00
Efficiency Measures:				
KEY 1	Average Time to Process Applications (Days)	29.74	29.12	30.00
Explanatory/Input Measures:				
KEY 1	Total Number of Individuals Licensed	83,828.00	92,113.00	100,000.00
Objects of Expense:				
1001	SALARIES AND WAGES	\$1,632,066	\$1,766,359	\$1,825,973
1002	OTHER PERSONNEL COSTS	\$248,726	\$254,624	\$159,272
2001	PROFESSIONAL FEES AND SERVICES	\$19,732	\$28,286	\$111,324
2003	CONSUMABLE SUPPLIES	\$12,246	\$8,276	\$11,920
2004	UTILITIES	\$0	\$0	\$0
2005	TRAVEL	\$21,661	\$22,891	\$75,000
2006	RENT - BUILDING	\$0	\$0	\$180
2007	RENT - MACHINE AND OTHER	\$4,679	\$5,105	\$5,280
2009	OTHER OPERATING EXPENSE	\$1,158,675	\$1,146,400	\$1,335,228
5000	CAPITAL EXPENDITURES	\$0	\$0	\$0
TOTAL, OBJECT OF EXPENSE		\$3,097,785	\$3,231,941	\$3,524,177
Method of Financing:				
1	General Revenue Fund	\$1,894,265	\$1,985,477	\$2,393,122
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$1,894,265	\$1,985,477	\$2,393,122

Method of Financing:

3.A. Strategy Level Detail

DATE: 11/17/2025

TIME: 11:23:33AM

89th Regular Session, Fiscal Year 2026 Operating Budget
Automated Budget and Evaluation System of Texas (ABEST)

Agency code: 510 Agency name: Behavioral Health Executive Council

GOAL: 1 Protect Public through Quality Program of Licensure

OBJECTIVE: 1 Ensure Practitioners Meet Standards for Licensure

STRATEGY: 1 Operate Quality Program of Licensure

Service Categories:

Service: 23 Income: A.2 Age: B.3

CODE	DESCRIPTION	EXP 2024	EXP 2025	BUD 2026
666	Appropriated Receipts	\$1,203,520	\$1,246,464	\$1,131,055
SUBTOTAL, MOF (OTHER FUNDS)		\$1,203,520	\$1,246,464	\$1,131,055
TOTAL, METHOD OF FINANCE :		\$3,097,785	\$3,231,941	\$3,524,177
FULL TIME EQUIVALENT POSITIONS:		30.6	29.8	30.5

3.A. Strategy Level Detail

89th Regular Session, Fiscal Year 2026 Operating Budget
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/17/2025
TIME: 11:23:33AM

Agency code: **510** Agency name: **Behavioral Health Executive Council**

GOAL: 1 Protect Public through Quality Program of Licensure

OBJECTIVE: 1 Ensure Practitioners Meet Standards for Licensure

STRATEGY: 2 Texas.gov. Estimated and Nontransferable

Service Categories:

Service: 23 Income: A.2 Age: B.3

CODE	DESCRIPTION	EXP 2024	EXP 2025	BUD 2026
Objects of Expense:				
2009	OTHER OPERATING EXPENSE	\$248,548	\$267,359	\$210,350
TOTAL, OBJECT OF EXPENSE		\$248,548	\$267,359	\$210,350
Method of Financing:				
1	General Revenue Fund	\$217,013	\$235,238	\$180,405
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$217,013	\$235,238	\$180,405
Method of Financing:				
666	Appropriated Receipts	\$31,535	\$32,121	\$29,945
SUBTOTAL, MOF (OTHER FUNDS)		\$31,535	\$32,121	\$29,945
TOTAL, METHOD OF FINANCE :		\$248,548	\$267,359	\$210,350
FULL TIME EQUIVALENT POSITIONS:				

3.A. Strategy Level Detail

DATE: 11/17/2025

TIME: 11:23:33AM

89th Regular Session, Fiscal Year 2026 Operating Budget
Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **510** Agency name: **Behavioral Health Executive Council**

GOAL: 2 Protect the Public through Enforcement of Laws and Rules

OBJECTIVE: 1 Ensure All Practitioners Comply with Established Laws and Rules

STRATEGY: 1 Operate A Quality Investigation/Enforcement Program

Service Categories:

Service: 23 Income: A.2 Age: B.3

CODE	DESCRIPTION	EXP 2024	EXP 2025	BUD 2026
Output Measures:				
KEY 1	Complaints Resolved	479.00	607.00	700.00
KEY 2	Number of Complaints Pending	562.00	747.00	850.00
Efficiency Measures:				
KEY 1	Average Time for Complaint Resolution	311.35	294.39	300.00
Explanatory/Input Measures:				
KEY 1	Number of Complaints Received	632.00	803.00	1,000.00
Objects of Expense:				
1001	SALARIES AND WAGES	\$1,574,980	\$1,717,832	\$1,729,245
1002	OTHER PERSONNEL COSTS	\$251,273	\$231,100	\$148,448
2001	PROFESSIONAL FEES AND SERVICES	\$21,732	\$25,849	\$22,824
2003	CONSUMABLE SUPPLIES	\$8,019	\$2,995	\$11,920
2004	UTILITIES	\$275	\$412	\$600
2005	TRAVEL	\$21,660	\$22,891	\$55,000
2006	RENT - BUILDING	\$0	\$0	\$180
2007	RENT - MACHINE AND OTHER	\$4,679	\$5,105	\$5,280
2009	OTHER OPERATING EXPENSE	\$240,771	\$202,841	\$226,260
5000	CAPITAL EXPENDITURES	\$0	\$0	\$0
TOTAL, OBJECT OF EXPENSE		\$2,123,389	\$2,209,025	\$2,199,757
Method of Financing:				
1	General Revenue Fund	\$2,084,539	\$2,178,475	\$2,184,757
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$2,084,539	\$2,178,475	\$2,184,757

Method of Financing:

3.A. Strategy Level Detail

DATE: 11/17/2025

TIME: 11:23:33AM

89th Regular Session, Fiscal Year 2026 Operating Budget
Automated Budget and Evaluation System of Texas (ABEST)

Agency code: **510** Agency name: **Behavioral Health Executive Council**

GOAL: 2 Protect the Public through Enforcement of Laws and Rules

OBJECTIVE: 1 Ensure All Practitioners Comply with Established Laws and Rules

STRATEGY: 1 Operate A Quality Investigation/Enforcement Program

Service Categories:

Service: 23 Income: A.2 Age: B.3

CODE	DESCRIPTION	EXP 2024	EXP 2025	BUD 2026
666	Appropriated Receipts	\$38,850	\$30,550	\$15,000
SUBTOTAL, MOF (OTHER FUNDS)		\$38,850	\$30,550	\$15,000
TOTAL, METHOD OF FINANCE :		\$2,123,389	\$2,209,025	\$2,199,757
FULL TIME EQUIVALENT POSITIONS:		28.1	26.6	26.5

3.A. Strategy Level Detail

89th Regular Session, Fiscal Year 2026 Operating Budget
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/17/2025
TIME: 11:23:33AM

Agency code: **510** Agency name: **Behavioral Health Executive Council**

GOAL: 3 Indirect Administration

OBJECTIVE: 1 Indirect Administration

STRATEGY: 1 Indirect Administration

Service Categories:

Service: 23 Income: A.2 Age: B.3

CODE	DESCRIPTION	EXP 2024	EXP 2025	BUD 2026
Objects of Expense:				
1001	SALARIES AND WAGES	\$0	\$0	\$178,990
2003	CONSUMABLE SUPPLIES	\$6,800	\$0	\$0
2006	RENT - BUILDING	\$1,148	\$360	\$0
2009	OTHER OPERATING EXPENSE	\$40,080	\$46,703	\$60,985
TOTAL, OBJECT OF EXPENSE		\$48,028	\$47,063	\$239,975
Method of Financing:				
1	General Revenue Fund	\$48,028	\$47,063	\$239,975
SUBTOTAL, MOF (GENERAL REVENUE FUNDS)		\$48,028	\$47,063	\$239,975
TOTAL, METHOD OF FINANCE :		\$48,028	\$47,063	\$239,975
FULL TIME EQUIVALENT POSITIONS:		0.0	0.0	3.0

3.A. Strategy Level Detail

89th Regular Session, Fiscal Year 2026 Operating Budget
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/17/2025
TIME: 11:23:33AM

SUMMARY TOTALS:

OBJECTS OF EXPENSE:	\$5,517,750	\$5,755,388	\$6,174,259
METHODS OF FINANCE :	\$5,517,750	\$5,755,388	\$6,174,259
FULL TIME EQUIVALENT POSITIONS:	58.7	56.4	60.0

4.D. Estimated Revenue Collections Supporting Schedule
89th Regular Session, Fiscal Year 2026 Operating Budget
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/13/2025
TIME: 10:49:48AM

Agency Code: **510**

Agency name: **Behavioral Health Executive Council**

FUND/ACCOUNT		Exp 2024	Est 2025	Est 2026
<u>1</u>	General Revenue Fund			
	Beginning Balance (Unencumbered):	\$0	\$0	\$0
	Estimated Revenue:			
	3175 Professional Fees	1,359,009	1,503,191	1,526,288
	3562 Health Related Profession Fees	3,161,183	3,480,152	3,795,738
	3616 Social Worker Regulation	2,106,247	2,245,788	2,438,970
	3770 Administrative Penalties	7,850	7,200	8,000
	Subtotal: Estimated Revenue	6,634,289	7,236,331	7,768,996
	Total Available	\$6,634,289	\$7,236,331	\$7,768,996
DEDUCTIONS:				
	Expended/Estimate/Budgeted	(4,243,845)	(4,446,253)	(4,998,259)
	Indirect Costs	(975,714)	(992,678)	(1,055,704)
	Total, Deductions	\$(5,219,559)	\$(5,438,931)	\$(6,053,963)
Ending Fund/Account Balance		\$1,414,730	\$1,797,400	\$1,715,033

REVENUE ASSUMPTIONS:

CONTACT PERSON:

Jennifer Noack

4.D. Estimated Revenue Collections Supporting Schedule
89th Regular Session, Fiscal Year 2026 Operating Budget
Automated Budget and Evaluation System of Texas (ABEST)

DATE: 11/13/2025
TIME: 10:49:48AM

Agency Code: **510**

Agency name: **Behavioral Health Executive Council**

FUND/ACCOUNT	Exp 2024	Est 2025	Est 2026
666 Appropriated Receipts			
Beginning Balance (Unencumbered):	\$0	\$0	\$0
Estimated Revenue:			
3719 Fees/Copies or Filing of Records	147,606	172,582	201,312
3722 Conf, Semin, & Train Regis Fees	1,055,950	1,073,958	1,163,594
3802 Reimbursements-Third Party	38,850	30,550	32,000
3879 Credit Card and Related Fees	31,499	32,045	34,790
Subtotal: Estimated Revenue	1,273,905	1,309,135	1,431,696
Total Available	\$1,273,905	\$1,309,135	\$1,431,696
DEDUCTIONS:			
Expended/Estimated/Budgeted	(1,273,905)	(1,309,135)	(1,176,000)
Total, Deductions	\$(1,273,905)	\$(1,309,135)	\$(1,176,000)
Ending Fund/Account Balance	\$0	\$0	\$255,696

REVENUE ASSUMPTIONS:

CONTACT PERSON:

Jennifer Noack

Policy on Verification of Lawful Presence and Authority to Work for Licensure Applicants and Renewals

Purpose

This policy intended to document the process the Texas Behavioral Health Executive Council has used since the agency's launch on September 1, 2020, to verify whether applicants for licensure are lawfully present and eligible to work in the United States, as required by federal law. In addition, it is intended to provide agency staff with guidance on navigating the often complex interplay between federal immigration requirements and state occupational licensure.

I. Federal Law: 8 U.S.C. § 1621 (PRWORA § 411)

Under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Congress created federal restrictions on who may receive *state and local public benefits*. These provisions are codified at **8 U.S.C. § 1621**.

Key points relevant to our work:

1. Licenses Are Public Benefits

Occupational and professional licenses issued by state agencies are expressly defined as "public benefits." Therefore, BHEC may issue and renew a license only in a manner that complies with federal eligibility rules.

2. Eligibility Is Restricted to Certain Individuals

Absent an affirmative state law enacted pursuant to 8 U.S.C. § 1621(d), public benefits may be provided only to:

- U.S. citizens,
- "Qualified aliens," and
- Certain other non-citizens who are lawfully present under federal immigration law.

3. Lawful Presence Alone Is Insufficient When Licensure Permits Employment

Where an occupational license authorizes the holder to engage in employment or the practice of a profession, federal law requires not only lawful presence in the United States, but independent authorization to work.

Aliens who lack federal employment authorization are ineligible to receive or renew an occupational license from this agency, even if they are otherwise lawfully present.

This also applies to individuals located outside of the United States who seek licensure and cannot demonstrate federal work authorization. Applicants located outside of the

United States who cannot demonstrate federal work authorization are similarly ineligible and will be denied licensure; however, the denial may include a finding that the applicant has met all substantive licensure requirements and would otherwise be eligible for licensure except for the lack of federal work authorization in the United States.

These requirements are mandated by federal law. The Council has no discretion to expand eligibility or recognize work authorization beyond that conferred by federal immigration authorities.

II. BHEC's Verification Process

To maintain consistent compliance with 8 U.S.C. § 1621, the Council follows the same straightforward verification process for each applicant, promoting clarity and uniformity.

1. Determining Who Must Complete a SAVE Verification

Every applicant is asked a simple question within the licensure application:
“Are you a United States citizen?”

If an applicant indicates they are a U.S. citizen:

If an applicant attests that they are a United States citizen, the applicant must submit a copy of **one** of the following documents to verify that attestation¹:

1. A valid, unexpired driver's license or state identification certificate issued by a state or territory of the United States that complies with the REAL ID Act;
2. a birth certificate issued by the appropriate vital statistics agency of a U.S. state, a U.S. territory, or the District of Columbia indicating birth in the United States;
3. a valid, unexpired passport or passport card issued by the United States government;
4. a valid, unexpired license to carry a handgun issued by the Texas Department of Public Safety under Texas Government Code, Chapter 411, Subchapter H;
5. a U.S. Certificate of Naturalization (Form N-550 or N-570); or
6. a U.S. Certificate of Citizenship (Form N-560 or N-561).

The applicant must also submit their Social Security number as part of the application process.

If an applicant indicates they are *not* a U.S. citizen:

The applicant must complete and submit the Council's SAVE Program Information Form.

To be considered complete, an application file must contain verification, through the DHS–USCIS Systematic Alien Verification for Entitlements (SAVE) Program, of a non-citizen applicant's immigration or citizenship status and any federally granted authorization to work in the United States.

¹ Agency staff shall implement this requirement by ensuring that all applications for licensure require this supporting documentation in accordance with the authority found at 22 TAC 882.2(a)(8).

This requirement is established in 22 TAC § 882.2(a)(5), which requires verification of immigration and citizenship information and any associated employment authorization necessary for licensure.

License Renewals by Non-Citizens

Non-citizens seeking to renew an existing license are subject to the same federal and state eligibility requirements as initial applicants. At the time of renewal, a non-citizen licensee must demonstrate that they remain lawfully present in the United States and, where applicable, continue to possess federal authorization to work in the United States. Renewal applications submitted by non-citizens must therefore include verification, through the DHS–USCIS Systematic Alien Verification for Entitlements (SAVE) Program, of the licensee’s current immigration status and any federally granted employment authorization. A renewal application that does not include this verification is incomplete and may not be approved.

2. SAVE Form Collection

Non-citizen applicants complete the SAVE form located at: <https://bhec.texas.gov/forms-and-publications/>.

This form collects the specific information required by the U.S. Citizenship and Immigration Services (USCIS) **Systematic Alien Verification for Entitlements (SAVE) Program**.

3. Verification Through USCIS SAVE

Once the SAVE form is received:

1. Staff enter the applicant’s information into the SAVE system;
2. SAVE returns an official federal determination regarding the applicant’s immigration status and work authorization;
3. Staff rely **exclusively** on that determination to assess whether the applicant is lawfully present and authorized to work in the U.S., and therefore eligible for licensure.

The Council does **not** interpret immigration documents or make independent judgments. USCIS determines lawful presence and authorization to work; we follow that determination.

III. Summary for Staff

- Federal law (8 U.S.C. § 1621) prohibits the Council from issuing or renewing licenses to individuals who are not lawfully present in the U.S. The Immigration and Nationality Act (INA) also prohibits a non-citizen from working in the United States without authorization to work.
- We determine who must undergo verification by asking applicants whether they are U.S. citizens.

- All non-citizens must complete the SAVE form.
- USCIS's SAVE Program provides the official determination of lawful presence and work authorization, and staff must rely solely on that determination.

This policy should serve as a reference for staff and as documentation of the process we follow to ensure full compliance with federal law.

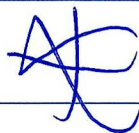
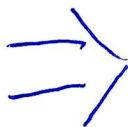
Bone Marrow and Organ Donation

A state employee is entitled to a leave of absence without a deduction in salary for the time necessary to permit the employee to serve as a bone marrow or organ donor. The leave of absence may not exceed:

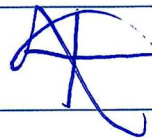
- Five working days in a fiscal year to serve as a bone marrow donor; or
- Thirty working days in a fiscal year to serve as an organ donor.

Court Appointed Special Advocate (CASA) Volunteers

A state employee may be provided paid leave not to exceed five hours each month to participate in mandatory training or to perform volunteer services for the CASA program. This leave is provided to an employee without a deduction in salary or loss of vacation time, sick leave, earned overtime credit, or state compensatory time.



Emergency Leave



Death of an Employee's Family Member

An employee is entitled to emergency leave with pay for a death in the employee's family. An employee's family is defined as the employee's spouse, as well as the employee's and spouse's parents, children, brothers, sisters, grandparents, and grandchildren.

There is nothing in statute that requires an agency to provide a specific number of days of emergency leave for a death in the employee's family. In addition, there is nothing in statute that requires an employee to attend a funeral to be entitled to emergency leave. The amount of emergency leave for the death of an employee's family member is dependent on agency policy.

Good Cause

In addition to granting employees emergency leave for the death of an employee's family member, an agency's administrative head may grant emergency leave for other reasons if:

- The employee requests the leave;
- The agency's administrative head determines that the employee has shown good cause for taking the leave; and
- The agency's administrative head believes in good faith that the employee being granted the emergency leave intends to return to that employee's position with the agency upon expiration of the emergency leave.

An employee is not required to request emergency leave if the agency head grants emergency leave because the agency is closed due to weather conditions or in observance of a holiday.

Reporting of Emergency Leave

There is nothing in statute that limits the number of emergency leave hours that can be granted to an employee. However, not later than October 1 of each year, the agency's administrative head must report to the Comptroller the name and position of each agency employee who was granted more than 32 hours of emergency leave during the previous fiscal year. In addition, the agency must report for each of those employees:

- The reason for granting the emergency leave.
- The total number of hours of emergency leave granted to that employee in that fiscal year.

Employees who are on emergency leave are considered to be in a "paid leave status." Therefore, they are eligible for holiday pay if a holiday occurs during the time they are on emergency leave.

PRESIDENTIAL ACTIONS

ENSURING A NATIONAL POLICY FRAMEWORK FOR ARTIFICIAL INTELLIGENCE

Executive Orders

December 11, 2025

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Purpose. United States leadership in Artificial Intelligence (AI) will promote United States national and economic security and dominance across many domains. Pursuant to Executive Order 14179 of January 23, 2025 (Removing Barriers to American Leadership in Artificial Intelligence), I revoked my predecessor’s attempt to paralyze this industry and directed my Administration to remove barriers to United States AI leadership. My Administration has already done tremendous work to advance that objective, including by updating existing Federal regulatory frameworks to remove barriers to and encourage adoption of AI applications across sectors. These efforts have already delivered tremendous benefits to the American people and led to trillions of dollars of investments across the country. But we remain in the earliest days of this technological revolution and are in a race with adversaries for supremacy within it. To win, United States AI companies must be free to innovate without cumbersome regulation. But excessive State regulation thwarts this imperative. First, State-by-State regulation by definition creates a patchwork of 50 different regulatory regimes that makes compliance more challenging, particularly for start-ups. Second, State laws are increasingly responsible for requiring entities to embed ideological bias within models. For example, a new Colorado law banning “algorithmic discrimination” may even force AI models to produce false results in order to avoid a “differential treatment or impact”

on protected groups. Third, State laws sometimes impermissibly regulate beyond State borders, impinging on interstate commerce.

My Administration must act with the Congress to ensure that there is a minimally burdensome national standard — not 50 discordant State ones. The resulting framework must forbid State laws that conflict with the policy set forth in this order.

That framework should also ensure that children are protected, censorship is prevented, copyrights are respected, and communities are safeguarded. A carefully crafted national framework can ensure that the United States wins the AI race, as we must.

Until such a national standard exists, however, it is imperative that my Administration takes action to check the most onerous and excessive laws emerging from the States that threaten to stymie innovation.

Sec. 2. Policy. It is the policy of the United States to sustain and enhance the United States' global AI dominance through a minimally burdensome national policy framework for AI.

Sec. 3. AI Litigation Task Force. Within 30 days of the date of this order, the Attorney General shall establish an AI Litigation Task Force (Task Force) whose sole responsibility shall be to challenge State AI laws inconsistent with the policy set forth in section 2 of this order, including on grounds that such laws unconstitutionally regulate interstate commerce, are preempted by existing Federal regulations, or are otherwise unlawful in the Attorney General's judgment, including, if appropriate, those laws identified pursuant to section 4 of this order. The Task Force shall consult from time to time with the Special Advisor for AI and Crypto, the Assistant to the President for Science and Technology, the Assistant to the President for Economic Policy, and the Assistant to the President and Counsel to the President regarding the emergence of specific State AI laws that warrant challenge.

Sec. 4. Evaluation of State AI Laws. Within 90 days of the date of this order, the Secretary of Commerce, consistent with the Secretary's authorities under 47 U.S.C. 902(b), shall, in consultation with the Special Advisor for AI and Crypto, the Assistant to the President for Economic Policy, the Assistant to the President for Science and Technology, and the Assistant to the President and Counsel to the President, publish an evaluation of existing State AI laws that identifies onerous laws that conflict with the policy set forth in section 2 of this order, as well as laws that should be referred to the Task Force established pursuant to section 3 of this order. That evaluation of State AI

laws shall, at a minimum, identify laws that require AI models to alter their truthful outputs, or that may compel AI developers or deployers to disclose or report information in a manner that would violate the First Amendment or any other provision of the Constitution. The evaluation may additionally identify State laws that promote AI innovation consistent with the policy set forth in section 2 of this order.

Sec. 5. Restrictions on State Funding. (a) Within 90 days of the date of this order, the Secretary of Commerce, through the Assistant Secretary of Commerce for Communications and Information, shall issue a Policy Notice specifying the conditions under which States may be eligible for remaining funding under the Broadband Equity Access and Deployment (BEAD) Program that was saved through my Administration's "Benefit of the Bargain" reforms, consistent with 47 U.S.C. 1702(e)-(f). That Policy Notice must provide that States with onerous AI laws identified pursuant to section 4 of this order are ineligible for non-deployment funds, to the maximum extent allowed by Federal law. The Policy Notice must also describe how a fragmented State regulatory landscape for AI threatens to undermine BEAD-funded deployments, the growth of AI applications reliant on high-speed networks, and BEAD's mission of delivering universal, high-speed connectivity.

(b) Executive departments and agencies (agencies) shall assess their discretionary grant programs in consultation with the Special Advisor for AI and Crypto and determine whether agencies may condition such grants on States either not enacting an AI law that conflicts with the policy of this order, including any AI law identified pursuant to section 4 or challenged pursuant to section 3 of this order, or, for those States that have enacted such laws, on those States entering into a binding agreement with the relevant agency not to enforce any such laws during the performance period in which it receives the discretionary funding.

Sec. 6. Federal Reporting and Disclosure Standard. Within 90 days of the publication of the identification specified in section 4 of this order, the Chairman of the Federal Communications Commission shall, in consultation with the Special Advisor for AI and Crypto, initiate a proceeding to determine whether to adopt a Federal reporting and disclosure standard for AI models that preempts conflicting State laws.

Sec. 7. Preemption of State Laws Mandating Deceptive Conduct in AI Models. Within 90 days of the date of this order, the Chairman of the Federal Trade Commission shall, in consultation with the Special Advisor for AI and Crypto, issue a policy statement on the application of the Federal Trade Commission Act's prohibition on unfair and deceptive

acts or practices under 15 U.S.C. 45 to AI models. That policy statement must explain the circumstances under which State laws that require alterations to the truthful outputs of AI models are preempted by the Federal Trade Commission Act's prohibition on engaging in deceptive acts or practices affecting commerce.

Sec. 8. Legislation. (a) The Special Advisor for AI and Crypto and the Assistant to the President for Science and Technology shall jointly prepare a legislative recommendation establishing a uniform Federal policy framework for AI that preempts State AI laws that conflict with the policy set forth in this order.

(b) The legislative recommendation called for in subsection (a) of this section shall not propose preempting otherwise lawful State AI laws relating to:

- (i) child safety protections;
- (ii) AI compute and data center infrastructure, other than generally applicable permitting reforms;
- (iii) State government procurement and use of AI; and
- (iv) other topics as shall be determined.

Sec. 9. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The costs for publication of this order shall be borne by the Department of Commerce.

DONALD J. TRUMP

THE WHITE HOUSE,

December 11, 2025.



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TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL
2nd QUARTER MEASURES
FY 2026

Number of Licenses Renewed (from ald12)

LSSP	456
LIC	697
LPA	76
LPC	3482
MFT	461
LBSW	358
LMSW	1390
LCSW	1808
AP	10

Total 8,738

Number of Licenses Issued (from ald11 and BO)

LPA	16
PLP	109
LIC	72
LSSP	14
LPCA	786
LPC	160
LPC Upgrade	649
MFTA	75
MFT	38
MFT Upgrade	54
LBSW	34
LMSW	470
LCSW	173
LMSW Upgrade	25
LCSW Upgrade	389
TEMP SW	17

Total 3,071

Number of Complaints Resolved (from BO report)

LP/LPA	19
LSSP	2
LPC	96
MFT	7
SW	16
Total	140

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

1 st Qtr	83/158 =	53%
2 nd Qtr	47/140 =	34%
3 rd Qtr		
4 th Qtr		
YTD	130/298=	44%

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

1 st Qtr	19/158 =	12%
2 nd Qtr	28/140 =	20%
3 rd Qtr		
4 th Qtr		
YTD	47/298 =	16%

Average Time for Complaint Resolution (from BO report)

1 st Qtr	48,875 days to resolve 158 complaints = 309.34 days
2 nd Qtr	49,215 days to resolve 140 complaints = 351.54 days
3 rd Qtr	
4 th Qtr	
YTD	98,090 days to resolve 298 complaints = 329.17 days

Number of Complaints Pending (from BO report) 945

Closed	4
File at SOAH	0
ISC Scheduled	17
Legal Review	538
NOV Sent	4
Open	2
Under Investigation	380

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

1 st Qtr	76,193 days to process 2,985 applications =	25.53 days
2 nd Qtr	84,885 days to process 2,967 applications =	28.61 days
3 rd Qtr		
4 th Qtr		
YTD	161,078 days to process 5,952 applications =	27.07 days

LPA Initial	1632 days to process 32 applications =	51.00
LPA Final	2792 days to process 16 applications =	174.50
LIC Initial	4750 days to process 119 applications =	39.92
LIC Final	10036 days to process 72 applications =	139.39
LSSP	544 days to process 14 applications =	38.86
Temp LIC	89 days to process 7 applications =	12.72
LPC Initial	11689 days to process 160 applications =	73.06
LPCA Initial	23443 days to process 786 applications =	29.83
LPC Upgrade	7513 days to process 649 applications =	11.58
MFT License	4744 days to process 38 applications =	124.85
MFTA License	12063 days to process 75 applications =	160.84
MFTA Upgrade	903 days to process 54 applications =	16.73
Temp MFT	254 days to process 10 applications =	25.40
SW License	8601 days to process 434 applications =	19.82
SW OOS License	12782 days to process 243 applications =	52.60
SW Upgrade	7848 days to process 414 applications =	18.96
Temp SW License	93 days to process 7 applications =	13.29

- Those in **BOLD** are the applications we have more control over (i.e. we are not waiting for them to take and pass a national exam).

Calculations reviewed by:

David Zinn

Date:

3/25/26

2nd QUARTER PERFORMANCE MEASURES
FISCAL YEAR 2026

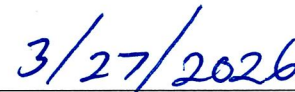
Submitted to the
Governor's Office of Budget and Planning
and the Legislative Budget Board

by

**Texas Behavioral Health Executive
Council**


Executive Director

March 27, 2026


Date

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2026 Target	2026 Actual	2026 YTD	Percent of Annual Target	Target Range
Output Measures					
<u>1-1-1 LICENSING</u>					
1 # NEW LICENSEES ISSUED					
Quarter 1	12,000.00	3,111.00	3,111.00	25.93 %	2,400.00 - 3,600.00
Quarter 2	12,000.00	3,071.00	6,182.00	51.52 %	5,400.00 - 6,600.00
2 # LICENSE RENEWALS					
Quarter 1	34,500.00	9,636.00	9,636.00	27.93 %	6,900.00 - 10,350.00
Quarter 2	34,500.00	8,738.00	18,374.00	53.26 %	15,525.00 - 18,975.00
<u>2-1-1 ENFORCEMENT</u>					
1 COMPLAINTS RESOLVED					

* Varies by 5% or more from target.

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2026 Target	2026 Actual	2026 YTD	Percent of Annual Target	Target Range
Output Measures					
1 COMPLAINTS RESOLVED					
Quarter 1	500.00	158.00	158.00	31.60 % *	100.00 - 150.00

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY26 target for number of complaints resolved is 500, or 125 per quarter. During the first quarter of FY26, the agency exceeded its target by resolving 158 complaints. This is due to the efficiency and dedication of the investigative and legal staff.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The agency had 818 pending complaints at the end of this quarter and received 228 new complaints during this quarter. While the investigatory time and resources needed to resolve a complaint vary according to the nature and type of complaint received, the agency believes it will continue to exceed this target assuming it is able to maintain full or near-full staffing level of investigative and legal staff. Additionally, the agency is receiving more complaints than anticipated, which should lead to more resolved complaints, given that the agency was able to hire two new staff attorneys at the beginning of FY26 to help with resolution of the substantive complaints.

* Varies by 5% or more from target.

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2026 Target	2026 Actual	2026 YTD	Percent of Annual Target	Target Range
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Output Measures**1 COMPLAINTS RESOLVED**

Quarter 2	500.00	140.00	298.00	59.60 % *	225.00 - 275.00
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

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

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The agency had 633 pending complaints at the end of this quarter and received 157 complaints during the first quarter. While the investigatory time and resources needed to resolve a complaint vary according to the nature and type of complaint received, the agency believes it can closely approach this target assuming it is able to maintain full or near-full staffing level of investigative staff. However, roughly 80% of the existing pending complaints have been investigated and referred to the legal division, which is understaffed. Therefore, the agency has requested additional staff attorneys in its 26-27 LAR to address this.

2 COMPLAINTS PENDING

Quarter 1	850.00	818.00	818.00	96.24 %	807.50 - 892.50
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* Varies by 5% or more from target.

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2026 Target	2026 Actual	2026 YTD	Percent of Annual Target	Target Range
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Output Measures

2 COMPLAINTS PENDING

Quarter 2	850.00	945.00	945.00	111.18 % *	807.50 - 892.50
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY25 target for number of complaints pending is 500. During the second quarter of FY 25, the agency had 633 complaints pending. Of this amount, approximately 80% of these are substantive complaints that have been sent to the legal division after the investigation has been completed.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The agency needs additional staff attorneys to process the substantive complaints that are referred to the legal division in a shorter timeframe. The agency believes that the average complaints pending will continue to exceed the target of 500 for the remainder of the biennium, even assuming the Council is able to maintain full or close-to-full staffing levels. The agency has requested additional staff attorneys in its 26-27 LAR to address this.

Efficiency Measures1-1-1 LICENSING

1 AVG TIME TO PROCESS APP (DAYS)

* Varies by 5% or more from target.

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2026 Target	2026 Actual	2026 YTD	Percent of Annual Target	Target Range
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Efficiency Measures**1 AVG TIME TO PROCESS APP (DAYS)**

Quarter 1	35.00	25.53	25.53	72.94 % *	33.25 - 36.75
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY26 target for the average time for license issuance is 35 days. In the first quarter of FY26, the agency bested this measure by having an average license issuance time of only 26 days. This is due to the efficiency and dedication of the licensing staff.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for license issuance in FY25 was 30 days. This number has decreased in the first quarter of FY26 due to the dedication and efficiency of the licensing staff. As long as the Council is able to maintain full or close-to-full staffing levels in this division, the agency will continue to meet or beat this target during the 2026-2027 biennium.

Quarter 2	35.00	28.61	27.07	77.34 % *	33.25 - 36.75
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

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

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for license issuance for FY 24 was 30 days. This number has remained an average of 30-31 days, due to the dedication and efficiency of the licensing staff. The agency believes that this target will continue to be met or beat during the biennium assuming the Council is able to maintain full or close-to-full staffing levels. Additionally, the agency requested that this target be lowered to 35 days in its 2026-2027 LAR.

2-1-1 ENFORCEMENT

* Varies by 5% or more from target.

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2026 Target	2026 Actual	2026 YTD	Percent of Annual Target	Target Range
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Efficiency Measures

1 AVG TIME/COMPLAINT RESOLUTION

Quarter 1	375.00	309.30	309.30	82.48 % *	356.25 - 393.75
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY26 target for the average time for complaint resolution is 375 days. In the first quarter of FY26, the agency bested this measure by having an average processing resolution time of 310 days. This is due to the efficiency and dedication of the investigative and legal staff.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

In FY25, even with the dedication and efficiency of the enforcement and legal staff, the agency needed additional staff attorneys to process the substantive complaints that were referred to the legal division in a shorter timeframe. The agency has been able to hire two new staff attorneys at the beginning of FY26 and believes that as long as the Council is able to maintain full or close-to-full staffing levels in this division, the agency will continue to meet or beat this target during the 2026-2027 biennium.

* Varies by 5% or more from target.

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2026 Target	2026 Actual	2026 YTD	Percent of Annual Target	Target Range
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Efficiency Measures

1 AVG TIME/COMPLAINT RESOLUTION

Quarter 2	375.00	351.54	329.17	87.78 % *	356.25 - 393.75
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

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

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for complaint resolution for FY 24 was 312 days. This number has now slightly decreased to an average of 294 days. Even with the dedication and efficiency of the enforcement and legal staff, the agency needs additional staff attorneys to process the substantive complaints that are referred to the legal division in a shorter timeframe. The agency believes that while this target on average will continue to be met or beat during the biennium, the quarterly average may begin to increase, even assuming the Council is able to maintain full or close-to- full staffing levels. The agency has requested additional staff attorneys in its 26-27 LAR to address this. Additionally, the agency has requested that this target be lowered to 375 days in its 2026-2027 LAR.

* Varies by 5% or more from target.

From: Texas Behavioral Health Executive Council
Sent: Friday, March 13, 2026 10:05 PM
Subject: Notice of New Guidance Document Regarding Chapter 161, Subchapter Y,
Health and Safety Code



Texas Behavioral Health Executive Council

1801 Congress Ave., Ste. 7.300

Austin, Texas 78701

www.bhec.texas.gov

**Texas State Board of
Examiners of Marriage
and Family Therapists**

**Texas State Board of
Examiners of
Professional Counselors**

**Texas State Board of
Examiners of
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Dear Subscriber:

The Texas Behavioral Health Executive Council has issued a guidance document titled *Guidance on the Treatment of Gender Identity-related Concerns Under Chapter 161, Subchapter Y, Texas Health & Safety Code*.

The document is intended to assist licensees in understanding how Chapter 161, Subchapter Y of the Texas Health & Safety Code relates to clinical practice.

The guidance document is available for download by [clicking here](#).

Please note that replies to this email are not monitored and will be deleted. If you need to contact agency staff regarding a matter set forth in this email, please follow the instructions on the Council's Contact Us web page.

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**Guidance on the Treatment of Gender Identity-related
Concerns Under Chapter 161, Subchapter Y, Texas
Health & Safety Code.**

Texas Behavioral Health Executive Council
1801 Congress., Ste. 7.300
Austin, Texas 78701
(512) 305-7700
www.bhec.texas.gov

Executive Summary

This guidance document is intended to assist Council licensees in understanding how Texas Health & Safety Code Chapter 161, Subchapter Y affects **clinical practice involving minors experiencing gender dysphoria or other identity-related concerns**.

Key points for licensees:

- Licensees may not provide or **facilitate** treatments or procedures prohibited under Section 161.702, including puberty blockers, cross-sex hormones, or surgery, for the purpose of medically transitioning a child's biological sex.
- Public funds may not be used to provide or facilitate these prohibited treatments.
- Therapeutic engagement that does not facilitate a prohibited medical transition is generally not restricted by Section 161.702.
- Using statutory language and intent as the guide, licensees should evaluate whether a treatment plan is intended to facilitate a prohibited procedure; intent and purpose are key considerations.

Nothing in this guidance alters existing practice acts, ethical standards, scope-of-practice requirements, or duty-of-care obligations, except to clarify compliance with Texas Health & Safety Code Chapter 161, Subchapter Y.

II. Overview of Chapter 161, Subchapter Y

Chapter 161, Subchapter Y prohibits certain procedures and treatments for children under Section 161.702, including:

- Surgery to alter the child's sex.
- Puberty blockers.
- Cross-sex hormones.

The statute prohibits both providing and facilitating these procedures. The term “**facilitate**” is not defined in Subchapter Y. For purposes of this guidance, facilitation is interpreted consistent with its commonly understood meaning: any action by a licensee that assists, enables, or contributes to a minor's access to a procedure or treatment prohibited under Section 161.702, Texas Health and Safety Code. This includes conduct undertaken under a Texas license for the purpose of enabling a minor to obtain such procedures or treatments, regardless of where the procedure or treatment ultimately occurs.

Facilitation can include, but is not limited to, preparing or providing evaluations, assessments, letters, certifications, recommendations, referral letters, or treatment plans that are intended to support or lead to a prohibited procedure.

III. Interpretation of Texas Health & Safety Code Chapter 161, Subchapter Y

Texas Health & Safety Code Chapter 161, Subchapter Y has been interpreted under the authority found in Texas Government Code Chapter 402, Subchapter C to mean:

- Council licensees are **“health care providers”** under Subchapter Y.
- Licensees cannot provide or **facilitate** procedures or treatments prohibited under Section 161.702.
- Public funds may not be used, directly or indirectly, to provide or facilitate prohibited treatments.

Council licensees may not provide a course of treatment intended to affirm a child’s perception of sex that is inconsistent with the child’s biological sex when that course of treatment is intended to facilitate the medical transitioning of a child through a treatment or procedure prohibited under Section 161.702.

Licensees should consider both intent and purpose: care intended to facilitate prohibited procedures falls under the statutory prohibition, while other therapeutic care does not.

Professional Judgment and Evidence-Based Practice

Licensees must exercise professional judgment grounded in scientifically and professionally derived knowledge. Questions concerning the safety and efficacy of certain gender-affirming medical interventions for minors remain the subject of ongoing scientific debate and review.

Licensees should exercise caution and ensure that clinical decision-making is informed by a careful review of available empirical evidence, applicable law, and professional standards of care. Licensees should not rely solely on advocacy materials, policy statements, or position papers that may intermix scientific assertions with policy or political perspectives, but instead should evaluate the quality and sufficiency of the underlying evidence when forming professional judgments.

IV. Treatment Not Implicated by the Statute

Subchapter Y does not prohibit all mental health treatment or supportive care for minors with gender dysphoria or other identity-related concerns. The following examples are generally not implicated:

- Treatment of co-occurring conditions: Therapy for depression, anxiety, trauma, or other mental health concerns.
- Exploratory psychotherapy: Open-ended, developmentally appropriate exploration of identity.

- Neutral supportive counseling: Providing a safe space, supporting resilience, processing family dynamics.
 - Crisis stabilization and safety planning: Risk assessments, emergency interventions unrelated to prohibited procedures.
 - Ethics-compliant clinical documentation: Documentation necessary for continuity of care, provided it is not intended to facilitate prohibited procedures.
-

V. Practices That Raise Statutory Concerns

With respect to a **minor**, the following activities constitute **prohibited facilitation**:

- Providing evaluations, letters (e.g., surgery readiness, medical clearance, assessment, support, or gender-affirming care letters), or documentation intended to enable access to puberty blockers, cross-sex hormones, or surgery prohibited under Section 161.702.
- Referring a minor for procedures or treatments prohibited under Section 161.702.
- Structuring a treatment plan intended to advance a minor's eligibility for procedures or treatments prohibited under Section 161.702.
- Using public funds to support services that facilitate procedures or treatments prohibited under Section 161.702 for a minor.

Violations of Chapter 161, Subchapter Y or agency rules intended to ensure adherence to professional standards of care based upon scientifically and professionally derived knowledge may subject a licensee to disciplinary action by the Council¹. In addition, Section 161.706 of the Texas Health and Safety Code authorizes the Attorney General to bring an enforcement action to restrain violations of Subchapter Y and to seek applicable civil remedies.

VI. Disclaimer

This guidance is provided for general informational purposes only. Licensees seeking further clarification should consult a trusted colleague or the individual responsible for addressing professional practice questions within any local, state, regional, or national professional association of which the licensee is a member. If additional clarification is needed, the licensee should consult a private attorney. The State Bar of Texas Lawyer Referral & Information Service may assist in locating an attorney if one cannot be identified through personal or professional recommendations.

¹ This guidance document does not establish a new policy or practice standard. Rather, it reflects longstanding professional standards that prohibit licensees from assisting or facilitating a client's participation in conduct that is unlawful.

From: Texas Behavioral Health Executive Council
Sent: Thursday, May 7, 2026 12:54 PM
Subject: New HHSC Human Trafficking Prevention Training Webpage



Texas Behavioral Health Executive Council

1801 Congress Ave., Ste. 7.300

Austin, Texas 78701

www.bhec.texas.gov

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Examiners of Marriage
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Dear Subscriber:

Please see the message below from the HHSC Human Trafficking Resource Center.

To improve the user experience, HHSC recently launched a new searchable database of approved human trafficking prevention courses for all health care practitioners, first responders, and tattoo studio employees. Courses can be located by searching for the title or organization, or by filtering by profession, credit type, course delivery, and cost. HHSC will soon be phasing out the current PDF list of approved courses.

The direct link to this new approved course page is: <https://texashhs.org/ht-course>

Additionally, the link to the human trafficking training landing page has been updated to: <https://www.hhs.texas.gov/services/family-safety-resources/texas-human-trafficking-resource-center/human-trafficking-prevention-training>

Feel free to reach out with any questions about these changes and how to verify the approval status of courses: Human_Trafficking@hhs.texas.gov

Please note that replies to this email are not monitored and will be deleted. If you need to contact agency staff regarding a matter set forth in this email, please follow the instructions on the Council's Contact Us web page.

Texas Behavioral Health Executive Council
1801 Congress Ave., Ste. 7.300 Con
Austin, Texas 78701



From: Texas Behavioral Health Executive Council
Sent: Tuesday, May 12, 2026 9:20 AM
Subject: BHEC Consolidated News Webpage Launched



Texas Behavioral Health Executive Council

1801 Congress Ave., Ste. 7.300

Austin, Texas 78701

www.bhec.texas.gov

**Texas State Board of
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Dear Subscriber:

The Texas Behavioral Health Executive Council has made a recent update to its website to improve user experience and communications. Previously, each board under the Council maintained a separate board news webpage. The Council has now consolidated all agency news onto a single webpage, which you can find at <https://bhec.texas.gov/tbhec/news/>.

Visitors can find all recent updates and news for the Council and boards, and can also filter the page to view only posts relevant to their particular board.

Thank you for your continued professional engagement.

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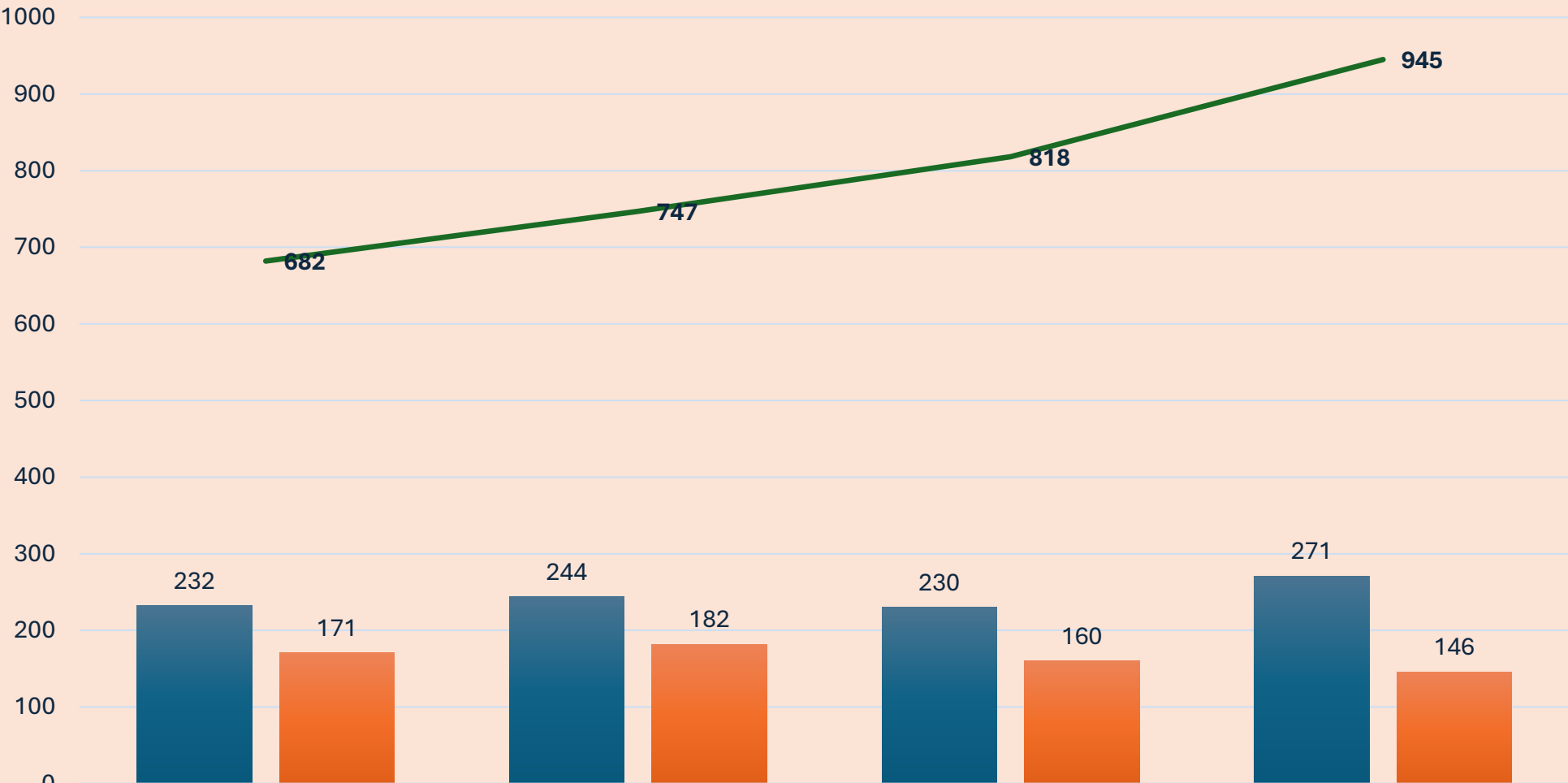
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FY 26 Q2 Enforcement Report

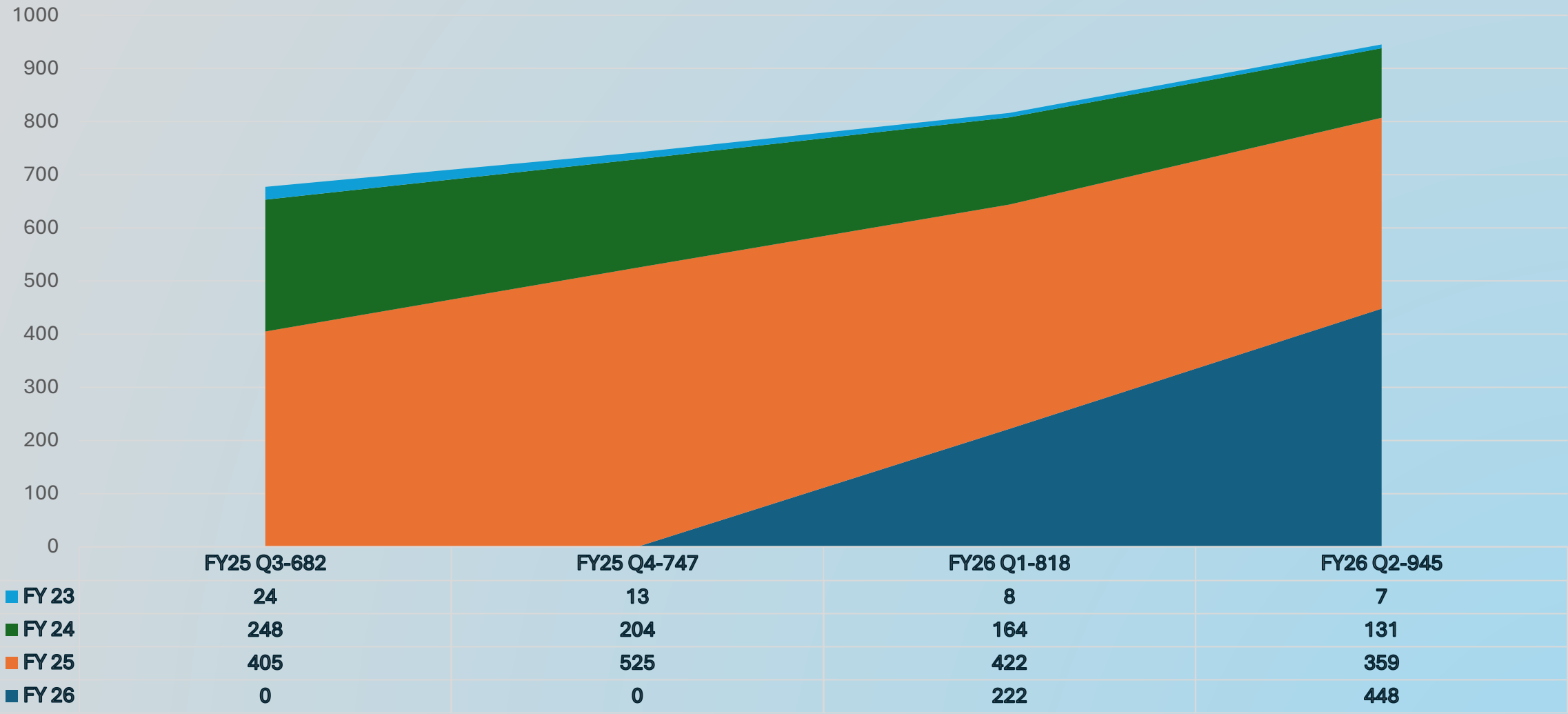
(December 1, 2025- February 28, 2026)

Complaints: Received, Resolved & Pending



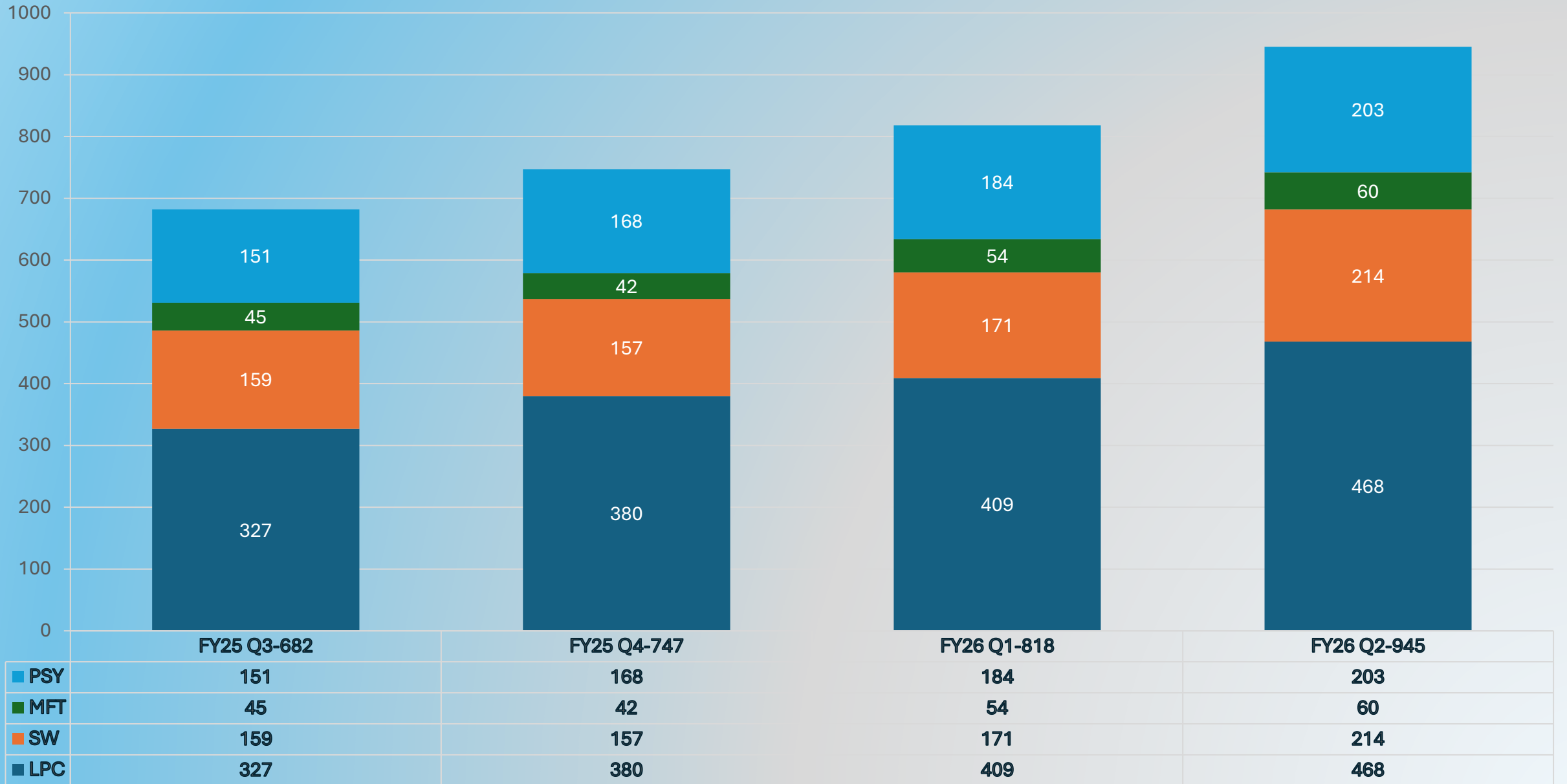
New Complaints Received	232	244	230	271
Complaints Resolved	171	182	160	146
Total Pending Complaints	682	747	818	945

Pending Complaints by Fiscal Year

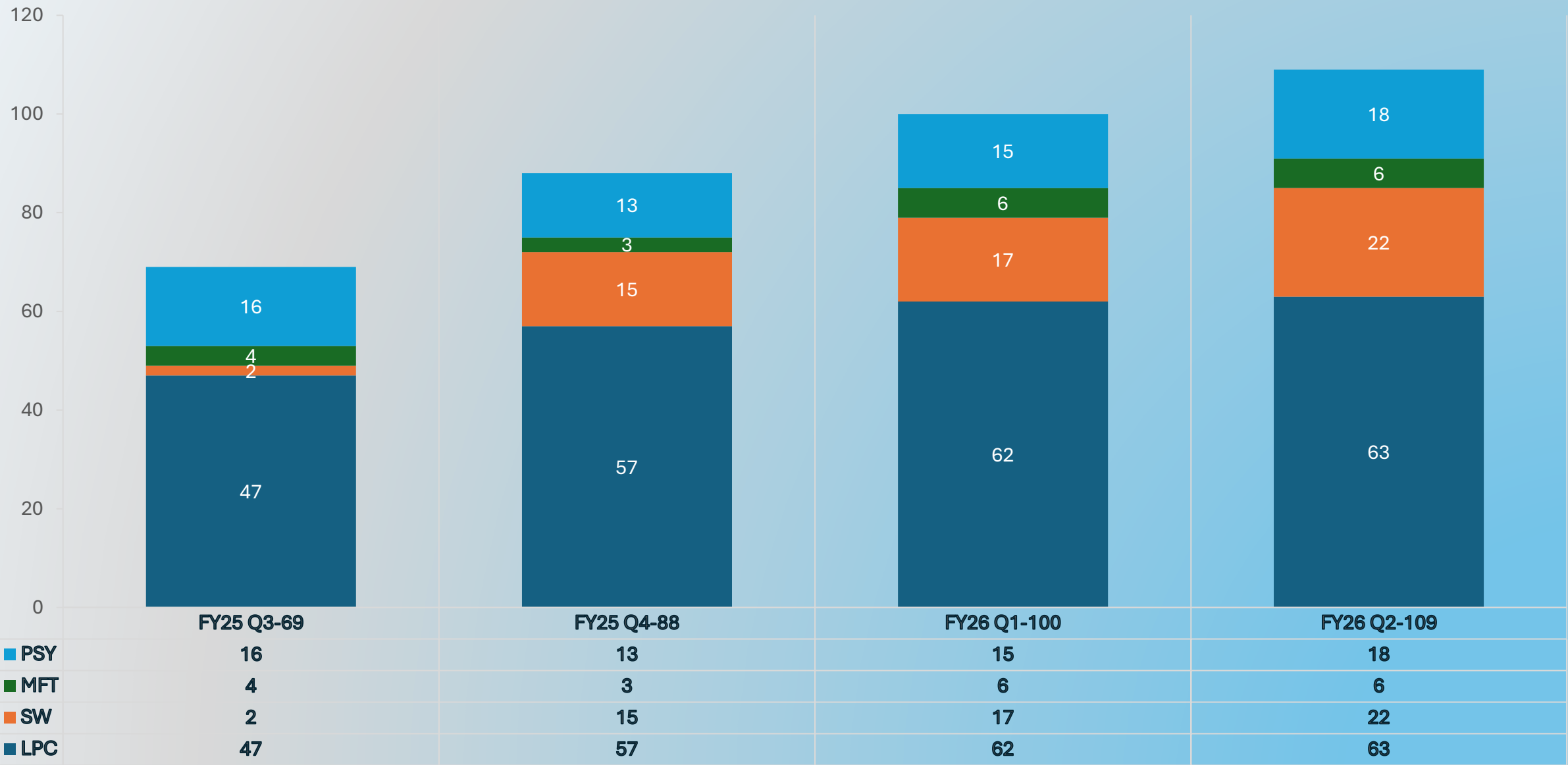


FY 26 FY 25 FY 24 FY 23

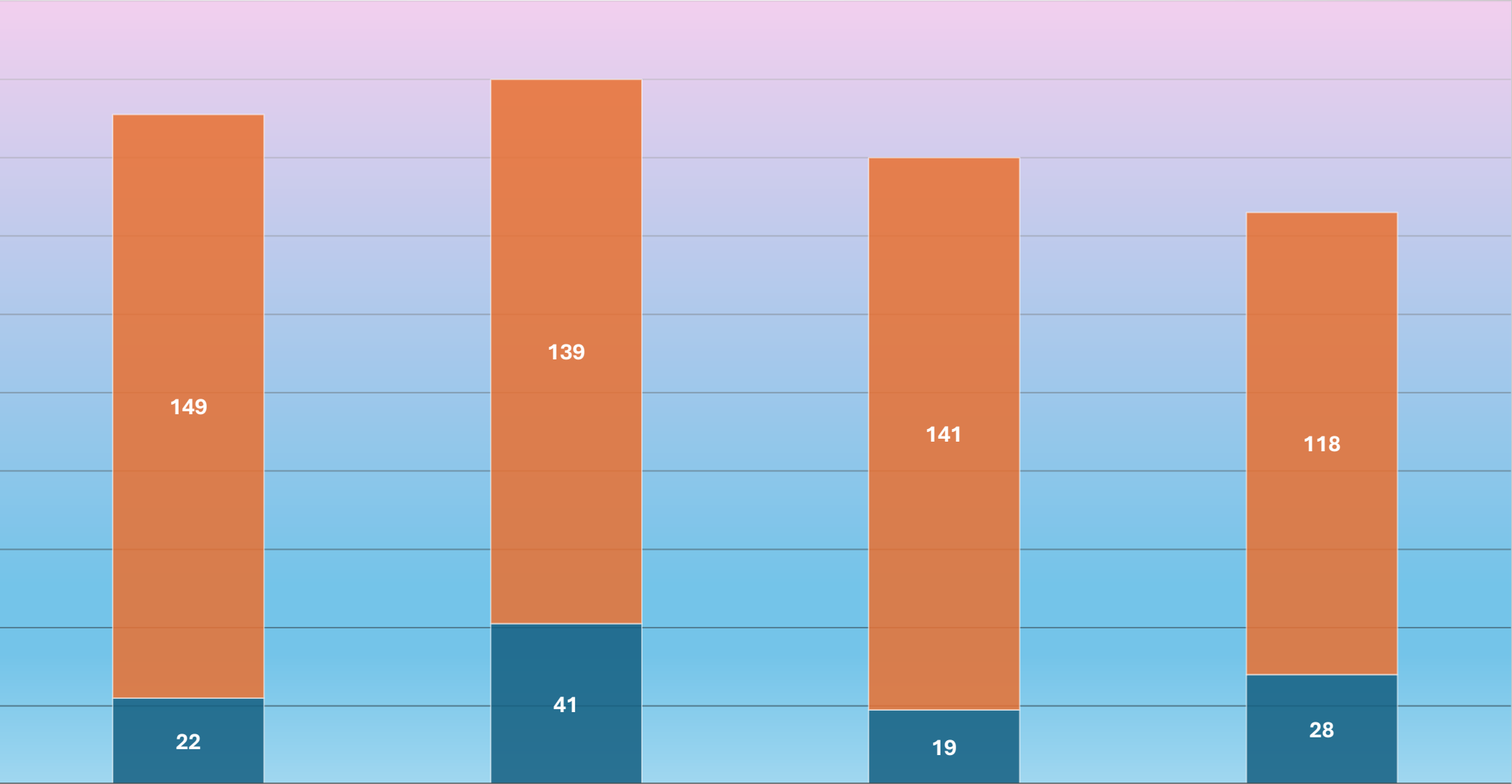
PENDING COMPLAINTS BY BOARD



PRIORITY 1 COMPLAINTS (IMMINENT PHYSICAL HARM AND SEXUAL MISCONDUCT)



Resolved Complaints by Quarter

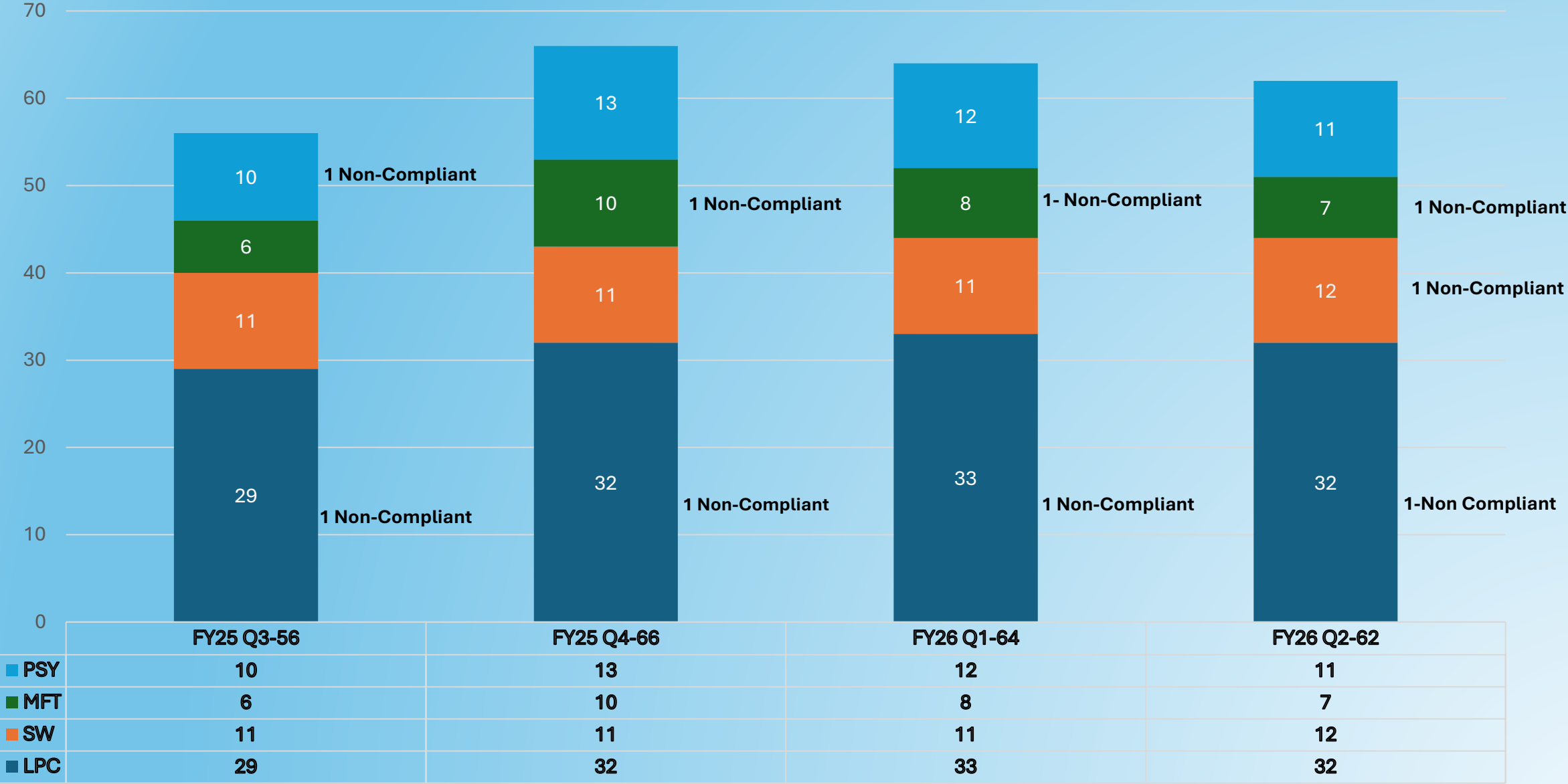


	FY25 Q3-171	FY25 Q4-180	FY26 Q1-160	FY26 Q2-146
By Dismissal	149	139	141	118
By Disciplinary Order	22	41	19	28

Contested Complaints Heard at SOAH



Under Compliance



Rule: 801.2. Definitions

Comment: The proposed amendments would expand the definition of professional services enhanced through use of technology and change the term to “technology-supported services.” The amendments would also add the term “virtual practice” and provide a definition.

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

- (1) Accredited institutions or programs--An institution of higher education 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--Texas Occupations Code, Chapter 502, the Licensed Marriage and Family Therapist Act.
- (3) Board--The Texas State Board of Examiners of Marriage and Family Therapists.
- (4) Client--An individual, family, couple, group, or organization who receives or has received services from a person identified as a marriage and family therapist who is either licensed by the council or unlicensed.
- (5) Council--The Texas Behavioral Health Executive Council.
- (6) Council Act--Texas Occupations Code, Chapter 507, concerning the Texas Behavioral Health Executive Council.
- (7) Council rules--22 Texas Administrative Code, Chapters 801 and 881 to 885.
- (8) Direct clinical services to couples or family--Professional services provided to couples or families in which a clinician delivers therapeutic services with two or more individuals simultaneously or two or more individuals from the same family system within the same therapeutic session. Individuals must share an ongoing relationship beyond that which occurs in the therapeutic experience itself. Examples of ongoing relationships include family systems, couple systems, enduring friendship/community support systems, and residential, treatment or situationally connected systems.

- (9) Endorsement--The process whereby the council reviews licensing requirements that a license applicant completed while under the jurisdiction of an out-of-state marriage and family therapy regulatory board. The council may accept, deny or grant partial credit for requirements completed in a different jurisdiction.
- (10) Executive director--The executive director for the Texas Behavioral Health Executive Council.
- (11) Family system--An open, on-going, goal-seeking, self-regulating, social system which shares features of all such systems. Certain features such as its unique structuring of gender, race, nationality and generation set it apart from other social systems. Each individual family system is shaped by its own particular structural features (size, complexity, composition, and life stage), the psychobiological characteristics of its individual members (age, race, nationality, gender, fertility, health and temperament) and its socio-cultural and historic position in its larger environment.
- (12) Group supervision--Supervision that involves a minimum of three and no more than six marriage and family therapy supervisees or LMFT Associates in a clinical setting during the supervision hour.
- (13) Independent Practice--The practice of providing marriage and family therapy services to a client without the supervision of an LMFT-S.
- (14) Individual supervision--Supervision of no more than two marriage and family therapy supervisees or LMFT Associates in a clinical setting during the supervision hour.
- (15) Jurisprudence exam--An online learning experience based on the Act, the Council Act, and council rules, and other state laws and rules relating to the practice of marriage and family therapy.
- (16) License--A marriage and family therapist license, a marriage and family therapist associate license, a provisional or temporary marriage and family therapist license, or a provisional marriage and family therapist associate license.
- (17) Licensed marriage and family therapist (LMFT)--As defined in §502.002 of the Occupations Code, a person who offers marriage and family therapy for compensation.
- (18) Licensed marriage and family therapist associate (LMFT Associate)--As defined in §502.002 of the Occupations Code, an

individual who offers to provide marriage and family therapy for compensation under the supervision of a supervisor approved by the executive council. The appropriate council-approved terms to refer to an LMFT Associate are: "Licensed Marriage and Family Therapist Associate" or "LMFT Associate." Other terminology or abbreviations like "LMFT A" are not council-approved and may not be used.

- (19) Licensee--Any person licensed by the council.
- (20) Licensure examination--The national licensure examination administered by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) or the State of California marriage and family therapy licensure examination.
- (21) Marriage and family therapy--The rendering of professional therapeutic services to clients, singly or in groups, and involves the professional application of family systems theories and techniques in the delivery of therapeutic services to those persons. The term includes the evaluation and remediation of cognitive, affective, behavioral, or relational dysfunction or processes.
- (22) Month--A calendar month.
- (23) Person--An individual, corporation, partnership, or other legal entity.
- (24) Recognized religious practitioner--A rabbi, clergyman, or person of similar status who is a member in good standing of and accountable to a legally recognized denomination or legally recognizable religious denomination or legally recognizable religious organization and other individuals participating with them in pastoral counseling if:
 - (A) the therapy activities are within the scope of the performance of regular or specialized ministerial duties and are performed under the auspices of sponsorship of an established and legally recognized church, denomination or sect, or an integrated auxiliary of a church as defined in 26 CFR §1.6033-2(h) (relating to Returns by exempt organizations (taxable years beginning after December 31, 1969) and returns by certain nonexempt organizations (taxable years beginning after December 31, 1980));

- (B) the individual providing the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary; and
- (C) the person does not use the title of or hold himself or herself out as a licensed marriage and family therapist.

(25) Supervision--

- (A) Supervision for licensure--The guidance or management in the provision of clinical services by a marriage and family therapy supervisee or LMFT Associate, which must be conducted for at least one supervision hour each week, except for good cause shown.
- (B) Supervision, Council-ordered--For the oversight and rehabilitation in the provision of clinical services by a licensee under a Council Order, defined by the Order and the Council-Ordered Supervision Plan, and must be conducted as specified in the Council Order and Supervision Plan (generally in face-to-face, one-on-one sessions).

(26) Supervision hour--50 minutes.

(27) Supervisor--An LMFT with supervisor status meeting the requirements set out in §801.143 of this title. The appropriate council-approved terminology to use in reference to a Supervisor is: "Supervisor," "Licensed Marriage and Family Therapist Supervisor," "LMFT-S" or "LMFT Supervisor." Other terminology or abbreviations may not be used.

(28) Technology-supported assisted services-- The use of electronic, digital, or internet-based tools and platforms to provide, augment, or support the provision of professional services. Tools and platforms evolve over time and may include virtual practice, artificial intelligence, video or audio conferencing, virtual or augmented reality, mobile applications, wearable devices, and machine learning or analytics. The use of such tools or platforms constitutes technology-assisted services regardless of the frequency or duration of use and regardless of whether directly experienced by the client, such as through telehealth, assessment or treatment tools, or communication platforms, or used by a licensee to indirectly support the provision of professional services, such as through record keeping, treatment planning, note taking, or diagnostic decision-making. Providing therapy or supervision with

~~technologies and devices for electronic communication and information exchange between a licensee in one location and a client or supervisee in another location.~~

(29) Therapist--A person who holds a license issued by the council.

(30) Virtual practice-- Providing therapy or supervision with technologies and devices for electronic communication and information exchange between a licensee in one location and a client or supervisee in another location.

(30) Waiver--The suspension of educational, professional, or examination requirements for an applicant who meets licensing requirements under special conditions.

Rule: 801.44. Relationship with Clients.

Action: Proposed Amendment

Comment: The proposed amendment would substitute the term “virtual services” for “technology-assisted services” in conjunction with changes made to other rules.

§801.44. Relationship with Clients.

- (a) A licensee must provide marriage and family therapy professional services only in the context of a professional relationship.
- (b) A licensee must make known in writing to a prospective client the important aspects of the professional relationship, including the licensee's status as an LMFT or LMFT Associate, any probationary status or other restrictions placed on the licensee by the council, office procedures, after-hours coverage, fees, and arrangements for payment (which might affect the client's decision to enter into the relationship).
- (c) A licensee must obtain an appropriate consent for treatment before providing professional services. A licensee must make reasonable efforts to determine whether the conservatorship, guardianship, or parental rights of the client have been modified by a court. Before the commencement of therapy services to a minor client who is named in a custody agreement or court order, a licensee must obtain and review a current copy of the custody agreement or court order in a suit affecting the parent-child relationship. A licensee must maintain these documents in the client's record and abide by the documents at all times. When federal or state statutes provide an exemption to secure consent of a parent or guardian before providing services to a minor, such as in Texas Family Code, Chapter 32, a licensee must follow the protocol set forth in such federal or state statutes.
- (d) A licensee must make known in writing to a prospective client the confidential nature of the client's disclosures and the clinical record, including the legal limitations of the confidentiality of the mental health record and information.
- (e) No commission or rebate or any other form of remuneration may be given or received by a licensee for the referral of clients for professional services. A licensee employed or under contract with a chemical dependency facility or a mental health facility must comply with the requirements in Texas Health and Safety Code, §164.006.
- (f) A licensee may not exploit the licensee's position of trust with a client or former client.

- (g) A licensee may not engage in activities that seek to meet the licensee's personal needs instead of the needs of the client.
- (h) A licensee may not provide marriage and family therapy services to family members, personal friends, educational associates, business associates, or others whose welfare might be jeopardized by such a dual relationship.
- (i) A licensee must set and maintain professional boundaries with clients and former clients.
- (j) A licensee may disclose confidential information to medical or law enforcement personnel if the licensee determines there is a probability of imminent physical injury by the client to the client or others or there is a probability of immediate mental or emotional injury to the client.
- (k) In group therapy settings, the licensee must take reasonable precautions to protect individuals from physical or emotional trauma resulting from interaction within the group.
- (l) A licensee must make a reasonable effort to avoid non-therapeutic relationships with clients or former clients. A non-therapeutic relationship is an activity begun by either the licensee, the client, or former client for the purposes of establishing a social, business, or other relationship not related to therapy. A licensee must ensure the welfare of the client or former client if a non-therapeutic relationship arises.
- (m) A licensee may not bill clients or third parties for services not actually rendered or as agreed to in writing.
- (n) A licensee must end a professional relationship when it is reasonably clear the client is not benefiting from it. Upon ending a professional relationship, if the client still requires mental health services, the licensee must make reasonable efforts to provide a written referral to clients for appropriate services and to facilitate the transfer to appropriate care.
- (o) A licensee who engages in virtual practice ~~technology-assisted services~~ must provide the client with the licensee's license number and information on how to contact the council by telephone, electronic communication, or mail. The licensee must comply with all other provisions of this chapter.
- (p) A licensee may not offer services that are beyond the licensee's professional competency, and the services provided must be within accepted professional standards of practice and appropriate to the needs of the client. In emerging areas in which generally recognized standards for preparatory training do not exist, licensees must take reasonable steps to

ensure the competence of their work and to protect clients, research participants, and other affected individuals from the potential for harm.

- (q) A licensee must base all services on an assessment, evaluation, or diagnosis of the client.
- (r) A licensee must evaluate a client's progress on a continuing basis to guide service delivery and must make use of supervision and consultation as indicated by the client's needs.
- (s) A licensee may 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.
- (t) A licensee may not aid or abet the unlicensed practice of marriage and family therapy services by a person required to be licensed under the Act. A licensee must report to the council knowledge of any unlicensed practice.
- (u) 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 a client, if the licensee knows or reasonably should have known such a relationship could be detrimental to the client.
- (v) A licensee must refrain from providing services when they know or should know that their physical or mental health or lack of objectivity are likely to impair their competency or harm a client or other person with whom they have a professional relationship.

Rule: 801.47. Drug and Alcohol Use.

Action: Proposed Amendment

Comment: The proposed amendment would prohibit a licensee from encouraging the illegal use of drugs or alcohol by a supervisor or supervisee.

§801.47. Drug and Alcohol Use.

- (a) A licensee may not use alcohol or drugs in a manner which adversely affects the licensee's ability to provide marriage and family therapy services.
- (b) A licensee may not promote or encourage the illegal use of alcohol or drugs by a client, supervisee, or supervisor.

Rule: 801.49. Competency and the Required Basis for Professional Judgments.

Action: Proposed New Rule

Comment: The proposed new rule provides clearer and more detailed professional standards for licensees to be considered competent to provide a particular service or a professional judgment.

§801.49. Competency and the Required Basis for Professional Judgments.

- (a) Licensees may only provide services for which they have the education, skills, and training to perform competently. Competency includes the ability to provide services that takes into account characteristics of the distinct population of the individual receiving services, including age, gender, ethnicity, national origin, disability, language, and socioeconomic status.
- (b) Licensees must maintain current knowledge of scientific and professional information that ensures competency in every area in which they provide services.
- (c) Licensees may only provide services in an unfamiliar area or involving new techniques after first undertaking appropriate study, training, supervision, or consultation from a professional competent to provide such services to ensure the competence of their work and to protect clients or other affected individuals from the potential for harm.
- (d) In emerging areas in which generally recognized standards for preparatory training do not exist, licensees must take reasonable steps to ensure the competence of their work and to protect clients or other affected individuals from the potential for harm.
- (e) Licensees who lack the competency to provide particular services to a specific individual must withdraw and refer the individual to an appropriate service provider.
- (f) Licensees must rely on scientifically and professionally derived knowledge when making professional judgments.
 - (1) Professional judgments must be supported by information and techniques sufficient to provide appropriate substantiation for such findings.
 - (2) Licensees may only administer, score, interpret or use assessment techniques or tests if they are familiar with the reliability,

validation and related standardization or outcome studies of, and proper applications and use of, the techniques they use.

- (3) Licensees who administer, score, interpret or utilize assessment techniques, tests or instruments must do so in a manner and for purposes for which there are professional or scientific bases.
- (4) Licensees may not base decisions or recommendations on data or test results that are outdated for the current purpose, or on tests and measures that are obsolete or not useful for the current purpose.
- (5) Licensees must meet any education, training, or licensure requirements established by a test publisher for the purchase or use of its test materials. Council staff may presume that a licensee meets any such requirements if a test publisher or other authorized vendor, sells test materials to a licensee. Any false or misleading representation by a licensee regarding the individual's qualifications will negate this presumption.
- (g) Licensees may not evaluate any individual's mental, emotional, or behavioral condition unless the licensee either personally interviews the individual or discloses with the evaluation that the licensee has not personally interviewed the individual.
- (h) Licensees must base all professional judgments and services on an assessment, evaluation, or diagnosis of the individual client.
- (i) In emergencies, when licensees are asked to provide services to individuals for whom appropriate mental health services are not available and for which the licensee has not obtained the necessary competence, licensees may provide such services until the emergency has abated or to the extent necessary to ensure that services are not denied. If ongoing services are provided, licensees must comply with subsection (c) of this section as soon as practicable or refer the patient to an appropriate service provider.

Rule: 801.53. Advertising and Announcements

Action: Proposed Amendment

Comment: The proposed amendment clarifies that advertising restrictions apply regardless of the medium used for advertising.

§801.53. Advertising and Announcements

- (a) Information used by a licensee in any advertisement or announcement of services may not contain information which is false, misleading, deceptive, inaccurate, incomplete, out of context, or not readily verifiable. Advertising includes any announcement of services, letterhead, business cards, commercial products, and billing statements, whether presented in print, radio, digitally, or online. Only the highest academic degree earned from an accredited college or university or only the highest academic degree earned at a foreign university that has been determined to be equivalent to a degree from an accredited institution or program by a member of the National Association of Credential Evaluation Services and relevant to the profession of therapy or a therapy-related field shall be used when advertising or announcing therapeutic services to the public or in therapy-related professional representations. A licensee may advertise or announce his or her other degrees or equivalent degrees earned at foreign institutions from accredited colleges or universities if the subject of the degree is specified.
- (b) False, misleading, or deceptive advertising or advertising that is not readily subject to verification includes advertising that:
 - (1) makes any material misrepresentation of fact or omits a fact necessary to make the statement as a whole not materially misleading;
 - (2) makes any representation likely to create an unjustified expectation about the results of a health care service or procedure;
 - (3) compares a health care professional's services with another health care professional's services unless the comparison can be factually substantiated;
 - (4) contains a testimonial that includes false, deceptive, or misleading statements, or fails to include disclaimers or warnings as to the credentials of the person making the testimonial;
 - (5) causes confusion or misunderstanding as to the credentials, education, or licensure of a health care professional;

- (6) advertises or represents that health care insurance deductibles or co-payments may be waived or are not applicable to health care services to be provided if the deductibles or co-payments are required;
 - (7) advertises or represents that the benefits of a health benefit plan will be accepted as full payment when deductibles or co-payments are required; or
 - (8) advertises or represents in the use of a professional name a title or professional identification that is expressly or commonly reserved to or used by another profession or professional.
- (c) The council imposes no restrictions on advertising by a licensee with regard to the use of any medium, the licensee's personal appearance, or the use of his or her personal voice, the size or duration of an advertisement by a licensee, or the use of a trade name. A licensee who retains or hires others to advertise or promote the licensee's practice remains responsible for the statements and representations made.
- (d) All advertisements or announcements of therapeutic services including telephone directory listings by a licensee must clearly state his or her license status by the use of a title such as "Licensed Marriage and Family Therapist," "LMFT," "Licensed Marriage and Family Therapist Associate," "LMFT Associate," "Licensed Marriage and Family Therapist Supervisor," "LMFT-S," or "LMFT Supervisor."
- (e) A licensee may not include in advertising or announcements any information or any reference to certification in a field outside of therapy or membership in any organization that may be confusing or misleading to the public as to the services or legal recognition of the licensee.
- (f) An LMFT or LMFT Associate holding a provisional license must indicate the provisional status on all advertisements, billing, and announcements of treatment by the use of the term "Provisional Licensed Marriage and Family Therapist" or "Provisional Licensed Marriage and Family Therapist Associate," as appropriate.
- (g) If a licensee becomes aware of a misuse of licensee's license certificate or misrepresentation of a licensee's services or the results of licensee's services, the licensee must report the misuse or misrepresentation to the Council within 30 days of becoming aware of the misuse or misrepresentation

Rule: 801.54. Research and Publications.

Action: Proposed Amendment

Comment: The proposed amendment requires licensees to comply with all federal and state laws regarding use of human subjects in research.

§801.54. Research and Publications.

- (a) In research with a human subject, a licensee is responsible for the welfare of the human subject throughout a project and must take reasonable precautions so the human subject suffers no injurious emotional, physical, or social effect.
- (b) A licensee must disguise data obtained from a therapeutic relationship for the purposes of education or research to ensure full protection of the identity of the human subject client.
- (c) When conducting and reporting research, a licensee must give recognition to previous work on the topic as well as observe all copyright laws.
- (d) A licensee must give due credit through joint authorship, acknowledgment, footnote statements, or other appropriate means to those who have contributed significantly to the licensee's research or publication.
- (e) A licensee must comply with all applicable state and federal laws, including 45 CFR 46, regarding the protection of human subjects in research.

Rule: 801.58. Technology-Assisted Services

Action: Proposed Amendment

Comment: The proposed amendments alter the term “technology-assisted services” to “technology-supported services” and adds the term “virtual services” as the more specific term to describe that practice. The amendments also clarify that licensees must follow the laws and rules of the state authority where clients are located when providing virtual services.

§801.58. Technology-Supported ~~Assisted~~ Services.

- (a) Licensees who provide marriage and family therapy to clients or supervision to supervisees outside the State of Texas must comply with the laws and rules of Texas and of the out-of-state authority which govern the practice of marriage and family therapy.
- (b) Licensees who provide treatment, consultation, and supervision using virtual practice ~~technology-assisted services~~ must meet the same standards of appropriate practice as licensees who practice in traditional (i.e., in-person) settings.
- (c) In accordance with Texas Occupations Code, §502.251 (relating to License Required), a person may not practice as a marriage and family therapist unless the person holds a license under this chapter or is exempt under Texas Occupations Code, §502.004 (relating to Application of Chapter).
- (d) A licensee may provide technology-supported ~~assisted~~ services. To ensure the competent delivery of services by technology-supported ~~assisted~~ means, a licensee must maintain an appropriate level of education, training, or experience in using relevant technology.
- (e) A licensee may not render therapy using virtual practice ~~technology-assisted services~~ without complying with the following at the onset of each session:
 - (1) fully verifying the location and identity of the client, to the most reasonable extent possible; and
 - (2) disclosing the identity of the licensee.
- (f) Before providing technology-supported ~~assisted~~ services, a licensee must determine whether a client is a minor. Upon determining that a client is a minor, and before providing technology-supported ~~assisted~~ services, a licensee must obtain required consent from a parent or guardian and must

verify the identity of the parent, guardian, or other person consenting to the minor's treatment.

- (g) The licensee must determine if technology-supported ~~assisted~~ service is an appropriate delivery of treatment or supervision, considering the professional, intellectual, or emotional needs of the client or supervisee.
- (h) Informed consent must include, at a minimum, information that defines the technology-supported services used ~~electronic service delivery as practiced~~ by the licensee and the potential risks and ethical considerations. The licensee must obtain and maintain written or electronic evidence documenting appropriate client informed consent for the use of technology-supported ~~assisted~~ services. The licensee must ensure that the informed consent complies with other informed consent requirements in this chapter and must include the following:
 - (1) identification of the client, the therapist, and the therapist's credentials;
 - (2) list of services provided by the licensee using technology-supported ~~assisted~~ services;
 - (3) client agreement that the therapist determines on an on-going basis whether the condition being assessed or treated is appropriate for technology-supported ~~assisted~~ services;
 - (4) details on security measures taken with the use of technology-supported ~~assisted~~ services, as well as potential risks to privacy notwithstanding such measures;
 - (5) information regarding secure protocols and back-up plans in case of technical failure;
 - (6) the licensee's credentials or training to engage in technology-supported ~~assisted~~ services, and contact information;
 - (7) risks and benefits of engaging in the use of technology;
 - (8) emergency procedures to follow when the therapist is not available;
 - (9) information collected and any passive tracking mechanisms used;
 - (10) third-party websites or services used by the licensee to facilitate technology-supported ~~assisted~~ services; and

(11) an explanation of how records are maintained electronically, including encryption type and record security, and the archival storage period for transaction records.

(i) Therapists who use technology-supported ~~assisted~~ services must meet or exceed applicable federal and state legal requirements of health information privacy, including compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191; The Health Information Technology for Economic and Clinical Health (HITECH) Act, 42 U.S.C. Chapter 156, Subchapter III; Texas Health and Safety Code, Chapter 181 (relating to Medical Records Privacy); and state privacy, confidentiality, and security rules.

Rule: 801.142. Supervised Clinical Experience Requirements and Conditions.

Action: Proposed Amendment

Comment: The proposed amendment would substitute the term “virtual services” for “technology-assisted services” in conjunction with changes made to other rules.

§801.142. Supervised Clinical Experience Requirements and Conditions. An applicant for LMFT must complete supervised clinical experience acceptable to the council.

- (1) The LMFT Associate must have completed a minimum of two years of work experience in marriage and family therapy, which includes a minimum of 3,000 hours of supervised clinical practice. The required 3,000 hours must include at least 1,500 hours providing direct clinical services, of which:
 - (A) no more than 750 hours may be provided via virtual practice ~~technology-assisted services~~ (as approved by the supervisor); and
 - (B) at least 500 hours must be providing direct clinical services to couples or families.
- (2) The remaining required hours, not covered by paragraph (1) above, may come from related experiences, including workshops, public relations, writing case notes, consulting with referral sources, etc.
- (3) An LMFT Associate must obtain a minimum of 200 hours of supervision by an LMFT-S during the required 3,000 hours, and at least 100 of these hours must be individual supervision.
 - (A) An LMFT Associate, when providing services, must receive a minimum of one hour of supervision every week, except for good cause shown.
 - (B) Supervision may be provided in person or by live video or, if the supervisor determines that in-person or live video supervision is not accessible, by telephone.
 - (C) An LMFT Associate may apply up to 100 graduate internship supervision hours toward the required 200 hours of supervision required for licensure as an LMFT.
- (4) For an LMFT applicant who begins the graduate degree program used for their license application before September 1, 2025, staff may count graduate internship hours exceeding the requirements

set in §801.114(b)(8) of this title toward the minimum requirement of at least 3,000 hours of supervised clinical practice under the following conditions.

- (A) No more than 500 excess graduate internship hours, of which no more than 250 hours may be direct clinical services to couples or families, completed under a Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) accredited graduate program may be counted toward the minimum requirement of at least 3,000 hours of supervised clinical practice.
 - (B) No more than 400 excess graduate internship hours, of which no more than 200 hours may be direct clinical services to couples or families, completed under a non-COAMFTE-accredited graduate program may be counted toward the minimum requirement of at least 3,000 hours of supervised clinical practice.
- (5) An LMFT Associate may practice marriage and family therapy in any setting under supervision, such as a private practice, public or private agencies, hospitals, etc.
 - (6) During the post-graduate, supervised clinical experience, both the supervisor and the LMFT Associate may have disciplinary actions taken against their licenses for violations of the Act, the Council Act, or council rules. If an LMFT Associate is informed of a pending complaint against them, they must notify each of their supervisors of the complaint.
 - (7) Within 30 days of initiating supervision with any LMFT supervisor, an LMFT Associate must submit to the council a Supervisory Agreement Form.
 - (8) An LMFT Associate may have no more than two LMFT supervisors at a time, unless given prior approval by the council or its designee.
 - (9) Applicants with a master's degree that qualifies under §801.112 and §801.113 of this title, may count any supervision and experience (e.g., practicum, internship, externship) completed after conferral of the master's degree and as part of a doctoral program, toward the supervision and experience requirements set out in §801.142. A doctoral program must lead to a degree that qualifies under §801.112 and §801.113 of this title, before the Council will award credit for supervision and experience under this provision.

- (10) If an LMFT Associate receives a remediation plan, as described in §801.143(f)(4) of this title, the Associate must provide a copy of the remediation plan to any other current or future supervisors, as well as any relevant documentation regarding successful completion of the plan.