

Title 22. Examining Boards.
Part 35. Texas State Board of Examiners of Marriage and Family Therapists.
Chapter 801. Licensure and Regulation of Marriage and Family Therapists.
Subchapter A. Introduction.
Amendment §801.2 Introduction
Subchapter C. Guidelines for Professional Therapeutic Services and Code of Ethics.
Amendment §§801.42, 801.44, 801.52 - 801.53
Subchapter F. Academic Requirements for Examination and Licensure
Amendment §§801.113
Subchapter G. Experience Requirements for Licensure
Amendment §§801.142, 801.143
Subchapter I. Licensing
Amendment §801.204
Subchapter J. License Renewal and Inactive Status
Amendment §801.226
Withdrawn Amendments §801.112, 801.114

Adoption Preamble

The Texas State Board of Examiners of Marriage and Family Therapists (board) adopts amendments to §§801.2, 801.42, 801.44, 801.52, 801.53, 801.113, 801.142, 801.143, 801.204 and 801.236, concerning the licensing and regulation of marriage and family therapists. The amendment to §801.44 is adopted with changes to the proposed text as published in the June 27, 2014, issue of the *Texas Register* (39 TexReg 4886). The amendments to §§801.2, 801.42, 801.52, 801.53, 801.113, 801.142, 801.143, 801.204 and 801.236 are adopted without changes and, therefore, the sections will not be republished.

The proposed amendments to §§801.112 and 801.114, published in the June 27, 2014, issue of the *Texas Register* (39 TexReg 4886) are withdrawn, and is repropose for publication in this issue of the *Texas Register*.

BACKGROUND AND PURPOSE

The amendments clarify several definitions and specify who may provide sex offender treatment. The amendments indicate certain required forms and procedures to better assist clients. The amendments specify proper license certificate display and acceptable advertising and announcements. The amendments specify academic requirements and also include new requirements for applicants beginning a graduate degree program in marriage and family therapy on or after August 1, 2017. The amendments increase the frequency of supervision for licensed marriage and family therapist associates and increase the number of associates supervisors may supervise. The amendments also implement Senate Bill 162 and House Bill 2254 of the 83rd Legislature, Regular Session, 2013, which amend Occupations Code, Chapter 55, relating to the occupational licensing of spouses of members of the military and the eligibility requirements for certain occupational licenses issued to applicants with military experience, and apprenticeship requirements for occupational licenses issued to applicants with military experience. Finally, the proposal specifies new requirements for a licensee desiring an inactive status.

SECTION-BY-SECTION SUMMARY

The following amendments are adopted concerning Subchapter A (relating to the Introduction.)

The amendments to §801.2 clarify the appropriate terminology for Associate and Supervisor. Additional amendments to §801.2 increase a supervision hour from 45 to 50 minutes.

The following amendments are adopted concerning Subchapter C (relating to Guidelines for Professional Therapeutic Services and Code of Ethics.)

Amendments to §801.42 clarify that sex therapy does not include the treatment for sex offenses.

Amendments to §801.44 add the requirement that licensees must provide written notification to clients of the important aspects to treatment and confidentiality. Amendments to §801.44 also add the requirement that licensees should obtain and review custody agreements of court orders prior to the commencement of therapy services to minor clients. Also, the word “counseling” was replaced with the word “therapy” as a non-substantive clarifying change for accuracy and consistency.

Amendments to §801.52 add language that allows licensees to display true and accurate copies of their original board-issued license certificate.

Amendments to §801.53 clarify the appropriate terminology a licensee may use when advertising.

The following amendments are adopted concerning Subchapter F (relating to Academic Requirements for Examination and Licensure.)

Amendments to §801.113 add language to designate acceptable degrees and specify the date on which increased number of required semester hours will be implemented.

The following amendments are adopted concerning Subchapter G (relating to Experience Requirements for Licensure.)

Amendments to §801.142 changes the terminology from “supervision contract” to “Supervisory Agreement Form.”

Amendments to §801.143 increases, from eight to twelve, the number of supervisees a supervisor may supervise at one time.

The following amendments are adopted concerning Subchapter I (relating to Licensing.)

Amendments to §801.204 add new language to identify the licensing procedures for military service members, military veterans, and military spouses required under Occupations Code, Chapter 55 (relating to Licensing of Military Service Members, Military Veterans, and Military

Spouses). The amendments also establish the standards for licensing under this section and modify existing language for clarity and organization.

The following amendments are adopted concerning Subchapter J (relating to License Renewal and Inactive Status.)

Amendments to §801.236 clarify that inactive status requests must be submitted in writing on a board-approved Inactive License Status Request Form.

COMMENTS

The board received many comments to the proposed rules and prepared responses to the comments received. The commenters included individuals and the following associations, organizations and universities: Texas Counseling Association, American Association for Marriage and Family Therapy, Texas Medical Association, the Federation of Texas Psychiatry, Capella University and Northcentral University. Commenters were generally in favor of the rules; however, some commenters suggested recommendations for change as discussed in the summary of comments. One commenter opposed the rules in their entirety.

COMMENT: Regarding the proposed rules as a whole, one commenter disagreed with all of the proposed changes, opining that additional requirements and added work were unnecessary.

RESPONSE: The board disagrees with the comment because the comment is too global, vague and lacks specificity. The board is open to considering changes and will refer the comment to the Rules Committee.

COMMENT: Regarding the rules as proposed, the Texas Counseling Association endorsed the changes made in §801.2(5), (14) and (28); §801.42(2); §801.44(b), (c) and (d); §801.52(a) and (c); §801.53(d) and (f); §801.112(a); §801.113(c); §801.114(b)(10) and (10)(A); §801.142(1)(A)(iii)(v), (1)(D); §801.143(f)(3); §801.204; and §801.236(a).

RESPONSE: The board appreciates the support. No changes were made as a result of the comment.

COMMENT: Concerning §801.44(c), one commenter partially supported the rule as proposed but also suggested that the board consider adding language to ensure that the parent signing for consent for a minor has an independent right to consent for the minor's treatment.

RESPONSE: The board appreciates the support. No changes were made to the proposed language as a result of this comment; the board will forward the comments to the Rules Committee for further consideration.

COMMENT: Regarding the proposed changes to §801.112(a), which removed a tiered system with a preference for schools accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE), one commenter supported the change because the

previous rules placed graduates of non-accredited programs at a disadvantage when applying for licensure.

RESPONSE: The board has withdrawn this rule. The rule will be repropose in the *Texas Register* with modified language for a 30-day comment period.

COMMENT: Regarding the proposed changes to §801.112(a), which removed a tiered system with a preference to COAMFTE accredited schools, a total of 5 commenters were against the proposed change, asserting the changes did not protect the public and unnecessarily departed from the national standard. The commenters requested that the board retain the current tiered system in the existing rules.

RESPONSE: The board agrees in part and has withdrawn this rule. The rule will be repropose in the *Texas Register* with modified language for a 30-day comment period.

COMMENT: Concerning §801.112(a), a total of 20 commenters, Capella University, and 19 individuals, opposed the changes to the rules and argued the board should maintain a tiered system and should include COAMFTE and the Counsel for Accreditation of Counseling and Related Educational Programs (CACREP) accredited programs to help maintain quality and protect the public.

RESPONSE: The board agrees in part and has withdrawn this rule. The rule will be repropose in the *Texas Register* with modified language for a 30-day comment period.

COMMENT: Concerning §801.112(a), one commenter requested that the rules specify the minimum number of hours required for a practicum and allow graduates who exceed the minimum number to receive credit for those hours as post-graduate experience.

RESPONSE: The board disagrees because the rules as proposed do include the commenter's requested language at §801.114(b)(10). No change was made as a result of the comment.

COMMENT: Concerning §801.112(a), three commenters requested that the clinical practicum include both 12 months and 9 semester hours, or at the least require a full 12 months.

RESPONSE: The board disagrees with the comments because it creates an undue burden on the universities to provide 12 month long internships. No changes were made as a result of the comments.

COMMENT: Concerning §801.112(a), Capella University, Northcentral University, and fourteen individuals commented that the proposed rule would unfairly require students currently enrolled in an accredited marriage and family therapy program to pay for and complete additional coursework in order to become licensed. The commenters requested that the board add a 'grandfathering' provision for students currently enrolled in a program.

RESPONSE: The board agrees in part and has withdrawn this rule. The rule will be repropose in the *Texas Register* with modified language for a 30-day comment period.

COMMENT: Concerning §801.112(a), Capella University and Northcentral University requested that the board include language from the existing rules which allowed a Licensed Marriage and Family Therapist Associate to make-up a pre-graduation practicum deficit during post-graduate supervision.

RESPONSE: The board agrees in part and has withdrawn this rule. The rule will be repropose in the *Texas Register* with modified language for a 30-day comment period.

COMMENT: Concerning §801.113(c), six commenters supported the change from 45 to 60 hours for those applicants starting August 1, 2017, because requiring 60 hours would make it easier for Texas graduates to gain licensure in other states and would allow licensed marriage and family therapists in Texas to remain competitive with licensed professional counselors.

RESPONSE: The board appreciates the comments. No change was made as a result of the comments.

COMMENT: Concerning §801.113(c), one commenter opposed the change from 45 to 60 hours citing that no study exists that demonstrates a necessity for this increase.

RESPONSE: The board disagrees with the comment. The board asserts that the proposed changes provide for a higher and more appropriate standard of education. No change was made as a result of the comment.

COMMENT: Regarding §801.114(b), one commenter requested that the board allow the required course content to be covered in more than just one course.

RESPONSE: The board agrees in part and has withdrawn this rule. The rule will be repropose in the *Texas Register* with modified language for a 30-day comment period.

COMMENT: Regarding §801.114(b), one commenter asked if the proposed new courses would impede licensure in the State of Texas.

RESPONSE: Although technically not a comment, but rather a question, the board replies that it does not foresee any such impediments as a result of these courses.

COMMENT: Regarding §801.114(b)(4), the Texas Medical Association and the Federation of Texas Psychiatry stated that the proposed requirement for the course “psychopathology-- including but is not limited to traditional psycho-diagnostic categories including knowledge and use of the Diagnostic and Statistical Manual of Mental Disorders (3 semester hours)” should be deleted because it appears to infer that licensed marriage and family therapists can diagnose mental disorders, which these commenters allege is protected in Texas as the practice of medicine, and therefore the commenters allege the proposed rule as written appears to create confusion regarding the proper scope of a licensed marriage and family therapist’s practice.

RESPONSE: The board appreciates the comment but disagrees. The board asserts that the proposed changes provide for a higher and more appropriate standard of education. No changes were made as a result of the comments.

COMMENT: Regarding §801.114(b)(7), one commenter stated that the proposed requirement for the course “treatment of addictions and knowledge of psychopharmacology” should be subsumed under other courses and not required as a separate course because the change would require a course to meet two different standards, one for Texas and one for COAMFTE.

RESPONSE: The board agrees in part and has withdrawn this rule. The rule will be repropose in the *Texas Register* with modified language for a 30-day comment period.

COMMENT: Regarding §801.114(b)(7), one commenter asserted that the proposed requirement for the course “treatment of addictions and knowledge of psychopharmacology” was poorly worded, not appropriate for marriage and family therapy students and opined addictions and psychopharmacology are not related fields. The commenter requested that this requirement be completely removed.

RESPONSE: The board agrees in part and has withdrawn this rule. The rule will be repropose in the *Texas Register* with modified language for a 30-day comment period.

COMMENT: Regarding §801.114(b)(8), the American Association for Marriage and Family Therapy, Capella University, Northcentral University, and eight individual commenters asserted that the proposed requirement for the course “therapy in community settings” would make it more difficult for marriage and family therapists trained in other states to become licensed in Texas, because this course is not commonly a part of the Marriage and Family Therapists curriculum, nor is it included in the licensure requirements in other states. The commenters suggest that inclusion of such a course should be optional and not mandatory, or could be subsumed under other courses.

RESPONSE: The board agrees in part and has withdrawn this rule. The rule will be repropose in the *Texas Register* with modified language for a 30-day comment period.

COMMENT: Regarding §801.114(b)(9) the American Association for Marriage and Family Therapy, Capella University, Northcentral University, and ten individual commenters asserted that the proposed requirement for the course “management of crisis situations” would make it more difficult for marriage and family therapists trained in other states to become licensed in Texas, because this course is not commonly a part of the MFT curriculum, nor is it included in the licensure requirements in other states. The commenters suggested that inclusion of such a course should be optional and not mandatory, or could be subsumed under other courses.

RESPONSE: The board agrees in part and has withdrawn this rule. The rule will be repropose in the *Texas Register* with modified language for a 30-day comment period.

COMMENT: Regarding §801.114(b)(10), one commenter opposed the reduction in direct client contact hours.

RESPONSE: The board disagrees because the rules as proposed will not result in a reduction of client contact hours. The board asserts that the proposed rule creates minimum requirements. No changes were made as a result of the comments.

COMMENT: Regarding §801.114(b)(10), one commenter opposed the increase in hours required for the practicum, citing that no study exists that demonstrates the increase.

RESPONSE: The board agrees that they are not aware of a study demonstrating the need for an increase in practicum hours. The board is not required to have empirical evidence. No changes were made as a result of the comment.

COMMENT: Regarding §801.114(b)(10), one commenter opposed the change to 75 hours of direct contact with couples and families due to the difficulty in obtaining these hours, and proposed that the board instead change the requirement to 60 hours.

RESPONSE: The board disagrees with the comment. The board asserts that the proposed minimum requirement provides an appropriate amount of direct experience. No change was made as a result of the comment.

COMMENT: Regarding §801.114(c), the Texas Counseling Association requested that the board delete the phrase “shall be courses related primarily to systemic marriage and family therapy” on the grounds that the rule as written would have the unintended consequence of disallowing other courses that support clinicians’ skills working with individuals and groups, such as psychodrama, grief/loss, sand tray and supervision.

RESPONSE: The board agrees in part and has withdrawn this rule. The rule will be repropose in the *Texas Register* with modified language for a 30-day comment period.

COMMENT: Regarding §801.142(1)(A)(iii)(V), three commenters requested that the board either explicitly define “good cause” or explicitly assign the determination of good cause to the supervisor.

RESPONSE: The board disagrees with the commenters. The rules as proposed do appropriately leave “good cause” to the discretion of the supervisor. No changes were made as a result of the comments.

COMMENT: Regarding §801.142(1)(A)(iii)(V), two commenters opposed the proposed change that supervisors meet with supervisees every week, suggesting this requirement would prohibit flexibility and variations in schedules and make-up hours.

RESPONSE: The board disagrees with the comments. The board asserts that the proposed changes are appropriate for the level of independent practice afforded to Licensed Marriage and Family Therapist Associates under the rules. No changes were made as a result of the comments.

COMMENT: Regarding §801.142(1)(A)(iii)(V), one commenter opposed the proposed change as extreme and too costly for individuals attempting to simultaneously complete supervision hours for both marriage and family therapy and professional counseling, and requested that the board withdraw the proposed change and retain the current standard in the existing rules.

RESPONSE: The board disagrees with the commenter. The board asserts that the proposed changes are appropriate for the level of independent practice afforded to Licensed Marriage and Family Therapist Associates under the rules. Any additional cost incurred by licensees would be offset by the improved services to consumers. No changes were made as a result of the comment.

COMMENT: Regarding §801.204, the American Association for Marriage and Family Therapy and one commenter supported the amendments as proposed.

RESPONSE: The board appreciates the support. No change was made as a result of the comments.

Concerning §801.44(c), the word “counseling” was replaced with the word “therapy” as a non-substantive clarifying change for accuracy and consistency, in response to a board comment.

SUBCHAPTER A. INTRODUCTION.

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

(1) Accredited institutions or programs--An institution or program which holds accreditation or candidacy status from an accreditation organization recognized by the Council for Higher Education Accreditation (CHEA).

(2) Act--Licensed Marriage and Family Therapist Act relating to the licensing and regulation of marriage and family therapists, Occupations Code, Chapter 502.

(3) Administrative Law Judge (ALJ)--A person within the State Office of Administrative Hearings who conducts hearings under this subchapter on behalf of the Board.

(4) APA--The Administrative Procedure Act, Texas Government Code, Chapter 2001.

(5) Associate--A licensed marriage and family therapist associate. The appropriate board-approved terminology to use in reference to an Associate is: "Associate," "Licensed Marriage and Family Therapist Associate," or "LMFT Associate." Other terminology or abbreviations like "LMFT A" are not board-approved and shall not be used.

(6) Board--The Texas State Board of Examiners of Marriage and Family Therapists.

(7) 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 or unlicensed by the board.

(8) Completed application--The official marriage and family therapy application form, fees and all supporting documentation which meets the criteria set out in §801.73 of this title (relating to Required Application Materials).

(9) Contested case--A proceeding in accordance with the APA and this chapter, including, but not limited to, rule enforcement and licensing, in which the legal rights, duties, or privileges of a party are to be determined by the board after an opportunity for an adjudicative hearing.

(10) Department--Department of State Health Services.

(11) Endorsement--The process whereby the board reviews requirements for licensure completed while under the jurisdiction of a different marriage and family therapy regulatory board from another state. The board may accept, deny or grant partial credit for requirements completed in a different jurisdiction.

(12) Family systems--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.

(13) Formal hearing--A hearing or proceeding in accordance with this chapter, including a contested case as defined in this section to address the issues of a contested case.

(14) Group supervision--Supervision that involves a minimum of three and no more than six marriage and family supervisees or associates in a clinical setting during the supervision hour. A supervision hour is fifty minutes.

(15) Individual supervision--Supervision of no more than two marriage and family therapy supervisees or associates in a clinical setting during the supervision hour. A supervision hour is fifty minutes.

(16) Investigator--A professional complaint investigator employed by the Department of State Health Services.

(17) License--A marriage and family therapist license, a marriage and family therapist associate license, or a provisional marriage and family therapist license.

(18) Licensed marriage and family therapist (LMFT)--An individual who offers to provide marriage and family therapy for compensation.

(19) Licensee--Any person licensed by the Texas State Board of Examiners of Marriage and Family Therapists.

(20) Licensed marriage and family therapist associate--An individual who offers to provide marriage and family therapy for compensation under the supervision of a board-approved supervisor.

(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) Party--Each person, governmental agency, or officer or employee of a governmental agency named by the Administrative Law Judge (ALJ) as having an interest in the matter being considered, or any person, governmental agency, or officer or employee of a governmental agency meeting the requirements of a party as prescribed by applicable law.

(24) Person--An individual, corporation, partnership, or other legal entity.

(25) Pleading--Any written allegation filed by a party concerning its claim or position.

(26) 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 their regular or specialized ministerial duties and are performed under the auspices of sponsorship of an established and legally cognizable church, denomination or sect, or an integrated auxiliary of a church as defined in Federal Tax Regulations, 26, Code of Federal Regulation 1.6033-2, subsection (h) (as in effect in 2008);

(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.

(27) Supervision--The guidance or management in the provision of clinical services.

(28) Supervisor--A person meeting the requirements set out in §801.143 of this title (relating to Supervisor Requirements). The appropriate board-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 like "LMFT S" are not board-approved and shall not be used.

(29) Texas Open Meetings Act--Government Code, Chapter 551.

30) Texas Public Information Act--Government Code, Chapter 552.

(31) Therapist--For the purposes of this chapter, a Texas licensed marriage and family therapist or a Texas licensed marriage and family therapist associate.

(32) Waiver--The suspension of educational, professional, and/or examination requirements for applicants who meet the criteria for licensure under special conditions.

SUBCHAPTER C. GUIDELINES FOR PROFESSIONAL THERAPEUTIC SERVICES AND CODE OF ETHICS.

§801.42. Professional Therapeutic Services.

The following are professional therapeutic services which may be provided by a Licensed Marriage and Family Therapist or a Licensed Marriage and Family Therapist Associate.

(1) Marriage and couples therapy which utilizes systems, methods, and processes which include interpersonal, cognitive, cognitive-behavioral, developmental, psychodynamic, and affective methods and strategies to achieve resolution of problems associated with cohabitation and interdependence of adults living as couples through the changing life cycle. These family system approaches assist in stabilizing and alleviating mental, emotional, or behavioral dysfunctions of either partner.

(2) Sex therapy which utilizes systems, methods, and processes which include interpersonal, cognitive, cognitive-behavioral, developmental, psychodynamic, and affective methods and strategies in the resolution of sexual disorders, except treatment for sex offenses. Sex offender treatment as defined by Texas Occupations Code, Chapter 110, and Chapter 810 of this title (relating to Council on Sex Offender Treatment), is not included under Sex Therapy. An individual seeking treatment for a sexual offense shall be referred for services from those licensed by the Council on Sex Offender Treatment.

(3) Family therapy which utilizes systems, methods, and processes which include interpersonal, cognitive, cognitive-behavioral, developmental, psychodynamic, affective, and family systems methods and strategies with families to achieve mental, emotional, physical, moral, educational, spiritual, and career development and adjustment through the changing family life cycle. These family system approaches assist in stabilizing and alleviating mental, emotional, or behavioral dysfunctions of a family member.

(4) Child therapy which utilizes systems methods and processes which include interpersonal, cognitive, cognitive-behavioral, developmental, psychodynamic, affective and family systems methods and strategies with families to achieve mental, emotional, physical, moral, educational, spiritual, and career development and adjustment through the changing family life cycle. These family system approaches assist in stabilizing and alleviating mental, emotional, or behavioral dysfunctions of a child.

(5) Play therapy which utilizes systems, methods, and processes which include play and play media as the child's natural medium of self-expression, and verbal tracking of the child's play behaviors as part of the therapist's role in helping children overcome their social, emotional, and mental problems.

(6) Individual psychotherapy which utilizes systems, methods, and processes which include interpersonal, cognitive, cognitive-behavioral, developmental, psychodynamic, affective and family systems methods and strategies to achieve mental, emotional, physical, social, moral, educational, spiritual, and career development and adjustment through the developmental life span. These family system approaches assist in stabilizing and alleviating mental, emotional or behavioral dysfunctions in an individual.

(7) Divorce therapy which utilizes systems, methods, and processes which include interpersonal, cognitive, cognitive behavioral, developmental, psychodynamic, affective and family system methods and strategies with families to achieve mental, emotional, physical, moral, educational, spiritual, and career development and adjustment through the changing

family life cycle. These family system approaches assist in stabilizing and alleviating mental, emotional, or behavioral dysfunctions of the partners.

(8) Mediation which utilizes systems, methods, and processes to facilitate resolution of disputes between two or more dissenting parties, including but not limited to any issues in divorce settlements, parenting plan modifications, parent-child conflicts, pre-marital agreements, workplace conflicts, and estate settlements. Mediation involves specialized therapeutic skills that foster cooperative problem solving, stabilization of relationships, and amicable agreements. A court appointed mediation requires a specialized training period.

(9) Group therapy which utilizes systems methods and processes which include interpersonal, cognitive, cognitive-behavioral, developmental, psychodynamic, and affective methods and strategies to achieve mental, emotional, physical, moral, educational, spiritual, and career development and adjustment throughout the life span.

(10) Chemical dependency therapy which utilizes systems methods and processes which include interpersonal, cognitive, cognitive-behavioral, developmental, psychodynamic, affective methods and strategies, and 12-step methods to promote the healing of the client.

(11) Rehabilitation therapy which utilizes systems methods and processes which include interpersonal, cognitive, cognitive-behavioral, developmental, psychodynamic, and affective methods and strategies to achieve adjustment to a disabling condition and to reintegrate the individual into the mainstream of society.

(12) Referral services which utilizes systems methods and processes which include evaluating and identifying needs of clients to determine the advisability of referral to other specialists, and informing the client of such judgment and communicating as requested or deemed appropriate to such referral sources. This includes social studies and family assessments of the individual within the family.

(13) Diagnostic assessment which utilizes the knowledge organized in the Diagnostic and Statistical Manual of Mental Disorders (DSM) as well as the International Classification of Diseases (ICD) as part of their therapeutic role to help individuals identify their emotional, mental, and behavioral problems when necessary.

(14) Psychotherapy which utilizes systems methods and processes which include interpersonal, cognitive, cognitive-behavioral, developmental, psychodynamic, and affective methods and strategies to assist clients in their efforts to recover from mental or emotional illness.

(15) Hypnotherapy which utilizes systems methods and processes which include the principles of hypnosis and post-hypnotic suggestion in the treatment of mental and emotional disorders and addictions.

(16) Biofeedback which utilizes systems methods and processes which include electronic equipment to monitor and provide feedback regarding the individual's physiological responses to

stress. The therapist who uses biofeedback must be able to prove academic preparation and supervision in the use of the equipment as a part of the therapist's academic program or the substantial equivalent provided through continuing education.

(17) Assessment and appraisal which utilizes systems methods and processes which include formal and informal instruments and procedures, for which the therapist has received appropriate training and supervision in individual and group settings for the purposes of determining the client's strengths and weaknesses, mental condition, emotional stability, intellectual ability, interests, aptitudes, achievement level and other personal characteristics for a better understanding of human behavior, and for diagnosing mental problems.

(18) Consultation which utilizes systems, methods, and processes which include the application of specific principles and procedures in consulting to provide assistance in understanding and solving current or potential problems that the consultee may have in relation to a third party, whether individuals, groups, or organizations.

(19) Activities under the Texas Family Code, Chapter 153, Subchapter K, pertaining to parenting plan and parenting facilitator.

(20) Parent education and parent training including advice, counseling, or instructions to parents or children.

(21) Life coaching and any related techniques or modalities.

(22) Any other related services provided by a licensee.

§801.44. Relationships with Clients.

(a) A licensee shall provide marriage and family therapy professional services only in the context of a professional relationship.

(b) A licensee shall make known in writing to a prospective client the important aspects of the professional relationship, including but not limited to, the licensee's status as a Licensed Marriage and Family Therapist, including any probationary status or other restrictions placed on the licensee by the board, 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 shall obtain an appropriate consent for treatment before providing professional services. A licensee shall make reasonable efforts to determine whether the conservatorship, guardianship, or parental rights of the client have been modified by a court. Prior to the commencement of therapy services to a minor client who is named in a custody agreement or court order, a licensee shall obtain and review a current copy of the custody agreement or court order in a suit affecting the parent-child relationship. A licensee shall maintain these documents in the client's record. When federal or state statutes provide an exemption to secure consent of a parent or guardian prior to providing services to a minor, a licensee shall follow the protocol set forth in such federal or state statutes.

(d) A licensee shall 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 shall 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, shall comply with the requirements in the Texas Health and Safety Code, §164.006, relating to soliciting and contracting with certain referral sources. Compliance with the Treatment Facilities Marketing Act, Texas Health and Safety Code, Chapter 164, shall not be considered as a violation of state law regarding illegal remuneration.

(f) A licensee shall not exploit his/her position of trust with a client or former client.

(g) A licensee shall not engage in activities that seek to meet the licensee's personal needs instead of the needs of the client.

(h) A licensee shall 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 shall 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 that 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 shall take reasonable precautions to protect individuals from physical or emotional trauma resulting from interaction within the group.

(l) A licensee shall make a reasonable effort to avoid non-therapeutic relationships with clients or former clients. A non-therapeutic relationship is an activity initiated by either the licensee or the client for the purposes of establishing a non-therapeutic relationship. It is the responsibility of the licensee to ensure the welfare of the client if a non-therapeutic relationship arises.

(m) A licensee shall keep accurate records of therapeutic services to include, but not be limited to, dates of services, types of services, progress or case notes, and billing information for a minimum of 5 years for an adult client and 5 years beyond the age of 18 years of age for a minor.

(n) Records created by licensees during the scope of their employment by educational institutions; by federal, state, or local government agencies; or political subdivisions or programs are not required to comply with the requirements of subsection (m) of this section.

(o) A licensee shall bill clients or third parties for only those services actually rendered or as agreed to in writing.

(p) A licensee shall terminate a professional relationship when it is reasonably clear that the client is not benefiting from it. Upon termination, if the client still requires mental health services, the licensee shall make reasonable efforts in writing to refer the client to appropriate services.

(q) A licensee who engages in interactive therapy via the telephone or internet must provide the client with his/her license number and information on how to contact the board by telephone, electronic communication, or mail, and must adhere to all other provisions of this chapter.

(r) A licensee shall only offer those services that are within his or her professional competency, and the services provided shall be within accepted professional standards of practice and appropriate to the needs of the client.

(s) A licensee shall base all services on an assessment, evaluation, or diagnosis of the client.

(t) A licensee shall evaluate a client's progress on a continuing basis to guide service delivery and will make use of supervision and consultation as indicated by the client's needs.

(u) A licensee shall not promote or encourage the illegal use of alcohol or drugs by clients.

(v) A licensee shall not knowingly offer or provide professional services to an individual concurrently receiving professional services from another mental health services provider except with that provider's knowledge. If a licensee learns of such concurrent professional services, the licensee shall take immediate and reasonable action to inform the other mental health services provider.

(w) A licensee shall refrain from providing services while impaired by medication, drugs, or alcohol.

(x) Upon termination of a relationship, if professional counseling or other marriage and family therapy services are still necessary, the licensee shall take reasonable steps to facilitate the transfer to appropriate care.

(y) A licensee shall 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 shall report to the board knowledge of any unlicensed practice.

(z) A licensee shall 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.

§801.52. Display of License Certificate.

(a) A licensee shall display an original or true and accurate copy of an original, board-issued license certificate and renewal card in a prominent place in all locations of practice.

(b) A licensee shall not make any alteration on a license certificate or annual renewal card issued by the board.

(c) A licensee shall not display a license certificate or renewal card issued by the board that is altered, expired, suspended, or revoked.

(d) A licensee who elects to copy a board-issued license certificate or certificate card is responsible for the use or misuse of the reproduced license.

§801.53. Advertising and Announcements.

(a) Information used by a licensee in any advertisement or announcement of services shall not contain information which is false, misleading, deceptive, inaccurate, incomplete, out of context, or not readily verifiable. Advertising includes, but is not limited to, any announcement of services, letterhead, business cards, commercial products, and billing statements. 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;

(8) makes a representation that is designed to take advantage of the fears or emotions of a particularly susceptible type of patient; or

(9) 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 board 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 person licensed by the board shall clearly state the licensee's licensure 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 shall 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 shall 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.

SUBCHAPTER F. ACADEMIC REQUIREMENTS FOR EXAMINATION AND LICENSURE.

§801.113. Academic Requirements.

(a) Persons applying for the licensure examination must have completed or be enrolled in a marriage and family therapy graduate internship program, or its equivalent, which is approved by the board.

(b) Persons applying for licensure as a marriage and family therapist or a marriage and family therapist associate must have a master's or doctorate degree in marriage and family therapy or a master's or doctorate degree in a related mental health field with course work and training determined by the board to be substantially equivalent to a graduate degree in marriage and family therapy from a regionally accredited institution of higher education or an institution of higher education approved by the board.

(c) A degree or course work in a master's or doctorate in marriage and family therapy or a related mental health field must include at least 45 semester hours which the applicant completed at a regionally accredited school, except that those applicants starting August 1, 2017, must have 60 semester hours.

(d) A degree or course work in a related mental health field must have been a planned course of study designed to train a person to provide direct services to assist individuals, families or couples in a therapeutic relationship in the resolution of cognitive, affective, behavioral or relational dysfunctions within the context of marriage or family systems.

(e) Examples of degrees in a related mental health field may include but are not limited to counseling, psychology, social work, or family studies with an emphasis on Marriage and Family Therapy. Degrees in fields other than those listed may be reviewed by an appropriate committee of the board for eligibility toward course equivalency.

SUBCHAPTER G. EXPERIENCE REQUIREMENTS FOR LICENSURE.

§801.142. Supervised Clinical Experience Requirements and Conditions. The following supervised clinical experience requirements and conditions shall apply.

(1) Supervised clinical experience accrued in Texas may only be accrued under licensure as a Licensed Marriage and Family Therapist Associate (with the exceptions noted in subparagraph (A)(i)(III) and (iii)(II) of this paragraph.

(A) The applicant must have completed a minimum of two years of work experience in marriage and family therapy services after conferral of the master's or doctoral degree in accordance with this chapter and must include the following:

(i) 3,000 hours of board-approved marriage and family therapy practice:

(I) of the 3,000 required hours, 1,500 hours must be direct clinical services, and 750 hours of the 1,500 hours shall be provided to couples or families;

(II) of the 3,000 required hours, the remaining 1,500 hours may come from related experiences that may include but not be limited to workshops, public relations, writing case notes, consulting with referral sources, etc.;

(III) of the 3,000 hours, no more than 500 hours may be transferred from a Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) accredited doctoral program; and

(IV) the 3,000 hours cannot begin accumulating before the issuance date of the license, except as described in subclause (III) of this clause.

(ii) a board-approved Supervisory Agreement Form, which requires the following:

(I) submission of a Supervisory Agreement Form to the board which designates the supervisor and the location of practice and which must be submitted to the board with the license application along with a copy of the license certificate of the supervisor, indicating that the supervisor's license is current and the supervisor is a board-approved supervisor; or if one or more Supervisory Agreement Form(s) are submitted after licensure, submission of a Supervisory Agreement Form(s) within 60 days of commencement of supervised services, accompanied by a copy of the license certificate of the supervisor, indicating that the supervisor's license is current and the supervisor is a board-approved supervisor;

(II) official board approval of the completed Supervisory Agreement Form after submission, as evidenced by receipt of an associate license for which the application package included a completed Supervisory Agreement Form, or by written verification from the board; and

(III) submission of additional Supervisory Agreement Form(s) and verification of the supervisor's license and board-approved supervisor status to the board if there is more than one location of practice, if there is a change in practice location, or if supervisors are added or changed. Additional forms must be approved in writing by the board at the beginning of the supervision process.

(iii) at least 200 hours of board-approved supervision, which requires:

(I) at least 100 hours of individual supervision;

(II) no more than 100 hours being transferred from the graduate program;

(III) at least 50 hours of the post-graduate supervision must be individual supervision;

(IV) of the 200 hours, no more than 50 hours may be by telephonic or electronic media;

(V) a minimum of one hour of supervision every week, except for good cause shown; and

(VI) a supervision hour is no less than 50 minutes.

(B) An associate may practice marriage and family therapy in any setting under supervision, such as a private practice, public or private agencies, hospitals, etc.

(C) During the post graduate supervision, both the supervisor and the associate may have disciplinary actions taken against their licenses for violations of the Act or this chapter.

(D) Supervision must be conducted under a Supervisory Agreement Form, which must be submitted to the board on the official form within 60 days of the initiation of supervision. The Supervisory Agreement Form submitted to the board must be approved by the board. Fees charged by a supervisor during the course of supervision, which occurred without a board-approved supervision contract in place and subsequently resulted in the supervised experience hours of the supervisee being denied by the board solely on the basis that there was no board approved Supervisory Agreement Form in place within 60 days of the initiation of supervision, must be reimbursed to the supervisee.

(E) Group supervised experience of an associate may count toward an associate's supervision requirement only if the supervision group consisted of a minimum of three and no more than six associates during the supervision hour.

(F) Individual supervised experience of an associate may count toward the associate's supervision requirement only if the supervision consisted of no more than two associates.

(G) An associate may have no more than two board-approved supervisors at a time, unless given prior approval by the board or its designee.

(H) The associate may receive credit for up to 500 clock hours toward the required 3,000 hours of supervised clinical services by providing services via telephonic or other electronic media, as approved by the supervisor.

(2) Supervision and supervised clinical experience accrued toward licensure as a Licensed Marriage and Family Therapist in another jurisdiction are accepted by endorsement only (except as noted in paragraph (1)(A)(i)(III) and (iii)(II) of this section.

(A) It is the applicant's responsibility to ensure that supervision and supervised experience accrued in another jurisdiction is verified by the jurisdiction in which it occurred and that the other jurisdiction provides verification of supervision to the board.

(B) If an applicant has been licensed as a marriage and family therapist in a United States jurisdiction for the 5 years preceding the application, the supervised clinical experience requirements will be considered to have been met. If licensed for any other period of 5 years, the board will determine whether clinical experience requirements have been met.

§801.143. Supervisor Requirements.

(a) Supervisors are recognized by the board when subsection (a) or (b) of this section is met by submitting an application which includes the applicable fee and the following:

(1) a license as a marriage and family therapist (which is not a provisional or an associate license) issued by the board;

(2) one of the following:

(A) successful completion of a one-semester graduate course in marriage and family therapy supervision from an accredited institution; or

(B) a 40-hour continuing education course in clinical supervision that meets the minimum requirements of the board and is offered by a board-approved provider; and

(3) a master's degree and at least 3,000 hours of practice of marriage and family therapy over a minimum of three years as a licensed marriage and family therapist, or a doctoral degree recognized by the board and at least 1,000 hours of practice of marriage and family therapy over a minimum of one year as a licensed marriage and family therapist.

(b) In lieu of meeting the qualifications set forth in subsection (a) of this section, a person is an acceptable supervisor if the person is licensed by the board and has been designated as an approved supervisor or supervisor candidate by the American Association for Marriage and Family Therapy (AAMFT) before the person provides any supervision.

(c) A supervisor may not be employed by the person whom he or she is supervising.

(d) A supervisor may not be related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood or adoption) to the person whom he or she is supervising.

(e) A board-approved supervisor shall maintain and sign a record(s) to document the date of each supervision conference and document the LMFT Associate's total number of hours of supervised experience accumulated up to the date of the conference.

(f) Both the LMFT Associate and the board-approved supervisor are fully responsible for the marriage and family therapy activities of the LMFT Associate.

(1) The supervisor shall ensure that the LMFT Associate is aware of and adheres to Subchapter C of this chapter (relating to Guidelines for Professional Therapeutic Services and Code of Ethics).

(2) A dual relationship between the supervisor and the LMFT Associate that impairs the supervisor's objective, professional judgment shall be avoided.

(3) A supervisor may not supervise more than twelve persons at one time.

(5) A supervisor shall timely submit accurate documentation of supervised experience.

(g) Supervisor approval will expire on the date the licensee's regular license next expires. Renewal of supervisor approval will begin and expire on the same date as for the regular license.

(h) A licensee who is approved by the board as a supervisor whose license is not renewed due to failure to meet all requirements for licensure renewal shall not advertise or represent himself or herself as a supervisor in any manner. A licensee who lets his/her license expire and continues to provide supervision towards licensure under this chapter or the Act, or as a result of an order of the board, must reimburse all supervisees for supervision provided while the license was expired before renewal may be approved.

(i) A supervisor whose license expires, or is revoked or suspended, is no longer an approved supervisor and hours accumulated under that person's supervision after expiration, revocation or suspension may not count as acceptable hours unless approved by the board.

(j) A supervisor who becomes subject to a board disciplinary order is no longer an approved supervisor. The person shall inform all LMFT Associates of the board disciplinary order and assist the LMFT Associates in finding alternate supervision.

(k) The LMFT Associate may compensate the supervisor for time spent in supervision if the supervision is not part of the supervisor's responsibilities as a paid employee of an agency, institution, clinic, or other business entity.

(l) Supervisory status may be denied, revoked, or suspended following a fair hearing for violation of the Act or rules. The fair hearing will be conducted under the fair hearing rules of the Department of State Health Services, at 25 Texas Administrative Code §§1.51 - 1.55 (relating to Fair Hearing Procedures).

(m) A supervisor whose supervisory status has expired shall refund all supervisory fees received after the expiration of the supervisory status to the LMFT Associate(s) who paid the fees.

(n) Supervision of an LMFT Associate without being approved as a supervisor, or after expiration of the supervisor status, may be grounds for disciplinary action.

SUBCHAPTER I. LICENSING.

§801.204. Licensing of Military Service Members, Military Veterans, and Military Spouses.

(a) This section sets out licensing procedures for military service members, military veterans, and military spouses required under Occupations Code, Chapter 55 (relating to Licensing of Military Service Members, Military Veterans, and Military Spouses). For purposes of this section:

(1) “Military service member” means a person who is currently serving in the armed forces of the United States, in a reserve component of the armed forces of the United States, including the National Guard, or in the state military service of any state.

(2) “Military spouse” means a person who is married to a military service member who is currently on active duty.

(3) “Military veteran” means a person who has served in the army, navy, air force, marine corps, or coast guard of the United States, or in an auxiliary service of one of those branches of the armed forces.

(b) An applicant shall provide documentation of the applicant’s status as a military service member, military veteran, or military spouse. Acceptable documentation includes, but is not limited to, copies of official documents such as military service orders, marriage licenses, and military discharge records. The application of a person who fails to provide documentation of his or her status shall not be processed under the requirements of this section.

(c) Upon request, an applicant shall provide acceptable proof of current licensure issued by another jurisdiction. Upon request, the applicant shall provide proof that the licensing requirements of that jurisdiction are substantially equivalent to the licensing requirements of this state.

(d) The board’s authority to require an applicant to undergo a criminal history background check, and the timeframes associated with that process, are not affected by the requirements of this section.

(e) For an application for a license submitted by a verified military service member or military veteran, the applicant shall receive credit towards any licensing or apprenticeship requirements, except an examination requirement, for verified military service, training, or education that is relevant to the occupation, unless he or she holds a restricted license issued by another jurisdiction or if he or she has an unacceptable criminal history as described by the Act and this chapter.

(f) An applicant who is a military spouse who holds a current license issued by another jurisdiction that has substantially equivalent licensing requirements shall complete and submit an application form and fee. The board shall issue a license to a qualified applicant who holds such

a license as soon as practicable and the renewal of the license shall be in accordance with subsection (i) of this section.

(g) In accordance with Occupations Code, §55.004(c), the executive director may waive any prerequisite to obtaining a license after reviewing the applicant's credentials and determining that the applicant holds a license issued by another jurisdiction that has licensing requirements substantially equivalent to those of this state.

(h) A military spouse who within the five years preceding the application date held the license in this state that expired while the applicant lived in another state for at least six months is qualified for licensure based on the previously held license, if there are no unresolved complaints against the applicant and if there is no other bar to licensure, such as criminal background or non-compliance with a board order.

(i) If the board issues an initial license to an applicant who is a military spouse in accordance with subsection (f) of this section, the board shall assess whether the applicant has met all licensing requirements of this state by virtue of the current license issued by another jurisdiction. The board shall provide this assessment in writing to the applicant at the time the license is issued. If the applicant has not met all licensing requirements of this state, the applicant must provide proof of completion at the time of the first application for license renewal. A license shall not be renewed, shall be allowed to expire, and shall become ineffective if the applicant does not provide proof of completion at the time of the first application for licensure renewal.

SUBCHAPTER J. LICENSE RENEWAL AND INACTIVE STATUS

§801.236. Inactive Status.

(a) A licensee may request that his or her license be declared inactive by written request on a board-approved Inactive License Status Request Form to the board prior to the expiration of the license. Inactive status periods shall not be granted to persons whose licenses are not current and in good standing. Inactive status periods shall not exceed 24 months. Licenses on inactive status shall be renewed biennially, or in a time period as appropriate for renewal, and shall include payment of any applicable fee, such as the inactive status fee.

(b) If a licensee fails to renew his or her license because the licensee is called to or on active duty with the armed forces of the United States, the licensee or the licensee's authorized representative may request that the license be declared inactive or be renewed. A request for inactive status shall be made in writing to the board prior to expiration of the license or within one year from the expiration date. This subsection is an exception to the requirement in subsection (a) of this section that the request be made prior to expiration of the license. A request for renewal may be made before or after the expiration date when related to active duty with the armed forces of the United States.

(1) If the request is made by the licensee's authorized representative, the request must include a copy of the appropriate power of attorney or written evidence of a spousal relationship.

(2) The written request shall include a copy of the official transfer orders of the licensee or other official military documentation showing that the licensee is called to or on active duty.

(3) The payment of the inactive status fee, late renewal fee, and licensure renewal penalty fee is waived for a licensee under this subsection.

(4) An active duty licensee shall be allowed to renew under this subsection without proof of continuing education hours if proof is required for renewal; however, the licensee must submit proof of completion of the required number of continuing education hours by the end of the following time period. The time period shall start on the actual date of renewal of the license and be equal to the length of time the licensee was on active duty during the continuing education period or following expiration of the license. If the licensee fails to submit proof of continuing education by the end of the time period, the board may suspend or revoke or deny renewal of the license.

(5) The written request shall include a current address and telephone number for the licensee or the licensee's authorized representative.

(6) The board may periodically notify the licensee or the licensee's authorized representative that the license of the licensee remains in inactive status, if applicable.

(7) Except in extraordinary circumstances, a licensee on active duty shall notify the board that the licensee is on active duty. The board shall note in the licensee's file that the licensee may be eligible for renewal under this subsection.

(8) If a licensee is a civilian impacted or displaced for business purposes due to a national emergency or war, the licensee or the licensee's authorized representative may request that the license be declared inactive in the same manner as described in this subsection for military personnel. The written request shall include an explanation of how the licensee is impacted or displaced, which explanation shall be on the official letterhead of the licensee's business.

(c) An inactive status period shall begin on the first day of the month following board approval and payment of an inactive status fee.

(d) All privileges, fees, and continuing education requirements are not applicable during the period of inactive status. A person may not act as a therapist or represent himself or herself as a therapist during the period of inactive status.

(e) Continuing education credit cannot be earned while on inactive status.

(f) A person is subject to investigation and action under Subchapter L of this chapter (relating to Complaints and Violations) during the period of inactive status.

(g) A licensee may return to active status by written request to, and approval by, the board. Active status shall begin the first day of the month following board approval and payment of a license fee.

(h) Upon return to active status, the licensee must begin accruing continuing education hours in order to fulfill the continuing education requirements prior to the next licensure renewal.