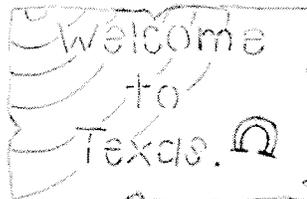
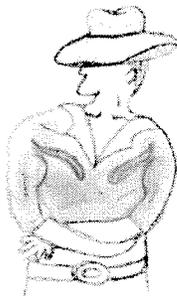
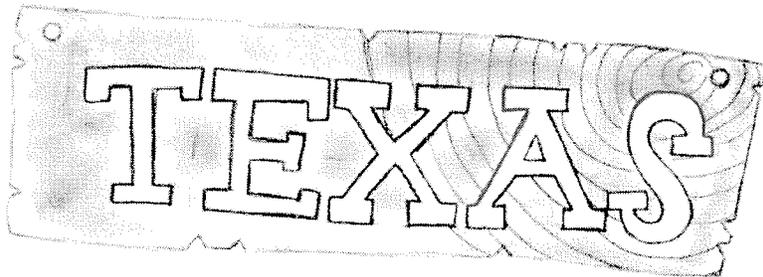

TEXAS REGISTER

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Leslie Gallegos
7th Grade

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WITHDRAWN RULES

Comments on the proposed amendments may be submitted to Simone Salloum, Assistant General Counsel, 333 Guadalupe, Suite 3-800, Austin, Texas 78732; fax (512) 463-7452; or e-mail rulecomments@tsbde.texas.gov no later than 30 days from the date that the proposal is published in the *Texas Register*.

The amendments are proposed under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

No other statutes, articles, or codes are affected by the proposed amendments.

§108.14. Pediatric and Special Needs Case Management; Protective Stabilization.

(a) - (b) (No change.)

(c) Protective Stabilization.

(1) - (9) (No change.)

(10) Indications. Protective stabilization is indicated when:

(A) - (B) (No change.)

(C) treatment is initiated without protective stabilization and the patient becomes uncooperative, causing uncontrolled movements that endanger the patient, staff, or dentist, and protective stabilization will enable the dentist to reach a safe stopping point;

(D) - (E) (No change.)

(11) - (12) (No change.)

(d) (No change.)

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 11, 2014.

TRD-201402721

Sarah Carnes-Lemp

General Counsel

State Board of Dental Examiners

Earliest possible date of adoption: July 27, 2014

For further information, please call: (512) 475-0977



PART 35. TEXAS STATE BOARD OF EXAMINERS OF MARRIAGE AND FAMILY THERAPISTS

CHAPTER 801. LICENSURE AND REGULATION OF MARRIAGE AND FAMILY THERAPISTS

The Texas State Board of Examiners of Marriage and Family Therapists (board) proposes amendments to §§801.2, 801.42, 801.44, 801.52, 801.53, 801.112 - 801.114, 801.142, 801.143, 801.204 and 801.236, concerning the licensing and regulation of marriage and family therapists.

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 proposal specifies academic requirements and also includes 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 amended Health and Safety 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 proposed concerning Subchapter A (relating to the Introduction).

Proposed 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 proposed 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 counseling services to minor clients.

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 proposed concerning Subchapter F (relating to Academic Requirements for Examination and Licensure).

Amendments to §801.112 define the type of degrees that meet the academic requirements for licensure and also specify requirements regarding coursework.

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.

Amendments to §801.114 add language to include additional courses that will be required starting on August 1, 2017.

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

Amendments to §801.142 add the requirement that licensed marriage and family therapist associates must meet with their

supervisors every week, unless good cause is shown. Amendments to §801.142 also require licensed marriage and family therapist associates have a board-approved Supervisory Agreement Form on file for each practicing location, and they must submit a new form for board approval if there are any changes to the previously submitted board-approved Supervisory Agreement Form.

Amendments to §801.143 increase the number of supervisees a supervisor may supervise at one time.

The following amendments are proposed 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 proposed 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.

FISCAL NOTE

Crystal Beard, MS, CHES, Executive Director, has determined that for each year of the first five years that the sections will be in effect, there will be no fiscal implications to state or local governments as a result of enforcing and administering the sections as proposed.

SMALL AND MICRO-BUSINESS IMPACT ANALYSIS

Ms. Beard has also determined that there will be no effect on small businesses or micro-businesses required to comply with the sections as proposed. This was determined by interpretation of the rules that small businesses and micro-businesses will not be required to alter their business practices in order to comply with the sections.

ECONOMIC COSTS TO PERSONS AND IMPACT ON LOCAL EMPLOYMENT

There are no economic costs to persons who are required to comply with the sections as proposed. The proposal will not affect a local economy. There is no anticipated negative impact on local employment.

PUBLIC BENEFIT

In addition, Ms. Beard has also determined that for each year of the first five years the sections are in effect, the public will benefit from the adoption of the sections. The public benefit anticipated as a result of enforcing or administering the sections is to continue to ensure public health and safety through the licensing and regulation of marriage and family therapists. In addition, there will be an increase in the availability of licensed health professionals by facilitating the licensing of marriage and family therapist applicants with applicable military experience and of qualified military spouses.

REGULATORY ANALYSIS

The board has determined that this proposal is not a "major environmental rule" as defined by Government Code, §2001.0225. "Major environmental rule" is defined to mean a rule the spe-

cific intent of which is to protect the environment or reduce risk to human health from environmental exposure and that may adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment or the public health and safety of a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

TAKINGS IMPACT ASSESSMENT

The board has determined that the proposal does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Government Code, §2007.043.

PUBLIC COMMENT

Comments on the proposed rules may be submitted to Crystal Beard, Executive Director, Texas State Board of Examiners of Marriage and Family Therapists, Mail Code 1982, P.O. Box 149347, Austin, Texas 78714-9347 or by email to mft@dshs.state.tx.us. When emailing comments, please indicate "Comments on Proposed Rules" in the subject line. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

SUBCHAPTER A. INTRODUCTION

22 TAC §801.2

STATUTORY AUTHORITY

The amendment is authorized by the Texas Occupations Code, §502.152, which authorizes the board to adopt rules necessary for the performance of its duties, as well as under the Texas Occupations Code, §502.153, which authorizes the board to set fees reasonable and necessary to cover the costs of administering this chapter.

The amendment affects Texas Occupations Code, Chapter 502.

§801.2. Definitions.

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

(1) - (4) (No change.)

(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," ["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) - (13) (No change.)

(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 [~~forty-five~~] 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 [~~forty-five~~] minutes.

(16) - (27) (No change.)

(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) - (32) (No change.)

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 12, 2014.

TRD-201402734

Michael Puhl

Board Chair

Texas State Board of Examiners of Marriage and Family Therapists

Earliest possible date of adoption: July 27, 2014

For further information, please call: (512) 776-6972



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

22 TAC §§801.42, 801.44, 801.52, 801.53

STATUTORY AUTHORITY

The amendments are authorized by the Texas Occupations Code, §502.152, which authorizes the board to adopt rules necessary for the performance of its duties, as well as under the Texas Occupations Code, §502.153, which authorizes the board to set fees reasonable and necessary to cover the costs of administering this chapter.

The amendments affect Texas Occupations Code, Chapter 502.

§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) (No change.)

(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) - (22) (No change.)

§801.44. Relationships with Clients.

(a) (No change.)

(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 counseling 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) - (z) (No change.)

§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 display only an original of the license certificate or annual renewal card issued by the board.]~~

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

(c) ~~[(d)]~~ A licensee shall not display a license certificate or renewal card issued by the board that is altered, ~~[has been reproduced or is]~~ expired, suspended, or revoked.

(d) ~~[(e)]~~ 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) - (c) (No change.)

(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 Therapist," "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." [or a statement such as "licensed by the Texas State Board of Examiners of Marriage and Family Therapists;"]~~

(e) (No change.)

(f) An LMFT or LMFT Associate [LMFTA] 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.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Michael Puhl

Board Chair

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SUBCHAPTER F. ACADEMIC REQUIREMENTS FOR EXAMINATION AND LICENSURE

22 TAC §§801.112 - 801.114

STATUTORY AUTHORITY

The amendments are authorized by the Texas Occupations Code, §502.152, which authorizes the board to adopt rules necessary for the performance of its duties, as well as under the Texas Occupations Code, §502.153, which authorizes the board to set fees reasonable and necessary to cover the costs of administering this chapter.

The amendments affect Texas Occupations Code, Chapter 502.

§801.112. *General.*

(a) The board shall accept the following as meeting academic requirements for licensure as a marriage and family therapist associate:

~~[(1)] a master's [degree] or doctorate degree from an accredited institution or program as defined in §801.2 of this title (relating to Definitions) and §801.113 of this title (relating to Academic Requirements) with the course content provided for in §801.114 of this title (relating to Academic Course Content) and the practicum is at least 9 semester hours or 12 months which meets the requirements of §801.114(b)(10) of the title. [in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE);]~~

~~[(2)] a master's degree or doctorate degree in marriage and family therapy from an accredited institution or program as defined in §801.2 of this title (relating to Definitions); but the program is not accredited by COAMFTE; provided that the practicum is at least 9 credit hours or 12 months. If the practicum is not at least 9 credit hours or 12 months an applicant may be approved to take the licensing examination and may be issued an associate license upon successfully passing the examination. Prior to receiving a license as a marriage and family therapist under this section, the applicant shall complete the pre-graduation practicum deficit in addition to the post-graduate supervised experience requirements consistent with the requirements in §801.142 of this title (relating to Supervised Clinical Experience Requirements and Conditions); or]~~

~~[(3)] a master's or doctorate degree from an accredited institution or program as defined in §801.2 of this title in a related mental health field with a planned course of study in marriage and family therapy as described in §801.113(d) and (e) of this title (relating to Academic Requirements) with minimum course content as described in §801.114 of this title (relating to Academic Course Content).]~~

(b) - (c) (No change.)

~~(d) Undergraduate courses taken by an applicant that meet the academic requirements shall not be accepted by the board unless the applicant's official transcripts clearly show that the courses were awarded graduate credit by the school.~~

~~(e) Coursework submitted must be completed with a passing grade or for credit to be considered by the board.~~

~~[(d)] The board shall count no undergraduate level courses taken by an applicant as meeting any academic requirements unless the applicant's official transcripts clearly shows that the course was awarded graduate credit by the school.]~~

~~[(e)] The board shall accept no coursework which an applicant's transcripts indicate was not completed with a passing grade or for credit.]~~

(f) - (g) (No change.)

§801.113. *Academic Requirements.*

(a) - (b) (No change.)

~~(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 [is substantially equivalent if it is] 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. [The 45 semester hours may be course work taken in the required graduate degree program.]~~

(d) - (e) (No change.)

§801.114. *Academic Course Content.*

(a) An applicant who holds a graduate degree in a mental health-related field must have course work in each of the following areas (one course is equal to three semester hours):

- (1) theoretical foundations of marriage and family therapy--one course;
- (2) assessment and treatment in marriage and family therapy--four courses;
- (3) human development, gender, multicultural issues and family studies--two courses;
- (4) psychopathology--one course;
- (5) professional ethics--one course;
- (6) applied professional research--one course; and
- (7) supervised clinical practicum--12 months or nine hours.

(b) By August 1, 2017, an applicant who begins a graduate degree program in marriage and family therapy or a mental health-related field must complete course work and the minimum required semester hours in each of the following areas (one course is equal to three semester hours):

- (1) theoretical knowledge and foundations of marriage and family therapy--including but is not limited to the historical development, theoretical and empirical foundations, and contemporary conceptual directions of the field of marriage and family therapy (3 semester hours);
- (2) assessment and treatment in marriage and family therapy--including but is not limited to treatment approaches specifically designed for use with a wide range of diverse couples, families, and children, including sex therapy, same sex couples, young children, adolescents, interfaith couples, crisis intervention, and elderly (12 semester hours);
- (3) human development, gender, multicultural issues and family studies (6 semester hours);
- (4) 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);
- (5) professional ethics--including but is not limited to professional identity of the marriage, couple, and family therapist, including professional socialization, scope of practice, professional organizations, licensure and certification; and ethical issues related to the profession of marriage, couple, and family therapy as well as the practice of individual therapy (3 semester hours);
- (6) applied professional research--including but is not limited to research evidence related to MFT, becoming an informed consumer of research, and research and evaluation methods (3 semester hours);

(7) treatment of addictions and knowledge of psychopharmacology (3 semester hours);

(8) therapy in community settings: including but is not limited to practice within defined contexts (e.g. medical settings, schools, military settings, community mental health settings, private practice, community advocacy, and multidisciplinary collaboration (3 semester hours);

(9) management of crisis situations: including but is not limited to assessing and managing emergency situations, and intervening when clinically indicated and or legally mandated (1 semester hour); and

(10) supervised clinical practicum--12 months or nine semester hours. During the supervised clinical practicum, the applicant must have 300 hours of experience (direct and non-direct), including a minimum of 75 hours of direct client contact with couples and families out of an overall minimum of 150 hours of direct client contact) The board may count excess practicum hours toward the experience requirements of this subchapter if:

(A) the hours were part of the applicant's academic practicum or internship accumulated after the commencement of the applicant's planned graduate program;

(B) the relational, or other direct client contact hours and/or non-direct hours that are in excess of the 300-hour practicum required by §801.114(b)(10) of this title (relating to Academic Course Content); and

(C) the direct plus non-direct hours to be counted are not more than 400 hours.

(c) The remaining courses needed to meet the 45/60 graduate semester hour requirement shall be marriage and family therapy or related course work that are in areas directly supporting the development of an applicant's professional marriage and family, individual, or group therapy skills and shall be courses related primarily to systemic marriage and family therapy.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 12, 2014.

TRD-201402736

Michael Puhl

Board Chair

Texas State Board of Examiners of Marriage and Family Therapists

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For further information, please call: (512) 776-6972



SUBCHAPTER G. EXPERIENCE REQUIREMENTS FOR LICENSURE

22 TAC §801.142, §801.143

STATUTORY AUTHORITY

The amendments are authorized by the Texas Occupations Code, §502.152, which authorizes the board to adopt rules necessary for the performance of its duties, as well as under the Texas Occupations Code, §502.153, which authorizes the board to set fees reasonable and necessary to cover the costs of administering this chapter.

The amendments affect Texas Occupations Code, Chapter 502.

§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) - (ii) (No change.)

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

(I) - (IV) (No change.)

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

(VI) (No change.)

(B) - (C) (No change.)

(D) Supervision must be conducted under a Supervisory Agreement Form [supervision contract], which must be submitted to the board on the official form within 60 days of the initiation of supervision. The Supervisory Agreement Form [supervision contract] 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 [supervision contract] in place within 60 days of the initiation of supervision, must be reimbursed to the supervisee.

(E) - (H) (No change.)

(2) (No change.)

§801.143. *Supervisor Requirements.*

(a) - (e) (No change.)

(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) - (2) (No change.)

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

(4) - (5) (No change.)

(g) - (n) (No change.)

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Michael Puhl
Board Chair
Texas State Board of Examiners of Marriage and Family Therapists
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SUBCHAPTER I. LICENSING

22 TAC §801.204

STATUTORY AUTHORITY

The amendment is authorized by the Texas Occupations Code, §502.152, which authorizes the board to adopt rules necessary for the performance of its duties, as well as under the Texas Occupations Code, §502.153, which authorizes the board to set fees reasonable and necessary to cover the costs of administering this chapter.

The amendment affects Texas Occupations Code, Chapter 502.

§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: [the alternative license procedure for a military spouse required under Occupations Code, Chapter 55 (relating to License While on Military Duty and for Military Spouse).]

(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 re-

stricted 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.

[(b) The spouse of a person serving on active duty as a member of the armed forces of the United States who holds a current license issued by another state that has licensing requirements shall complete and submit an application form and fee to the department. In accordance with Occupations Code, §55.004(e), the department 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.]

[(c) The spouse of a person serving on active duty as a member of the armed forces of the United States 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 committee order.]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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SUBCHAPTER J. LICENSE RENEWAL AND INACTIVE STATUS

22 TAC §801.236

STATUTORY AUTHORITY

The amendment is authorized by the Texas Occupations Code, §502.152, which authorizes the board to adopt rules necessary for the performance of its duties, as well as under the Texas Occupations Code, §502.153, which authorizes the board to set fees reasonable and necessary to cover the costs of administering this chapter.

The amendment affects Texas Occupations Code, Chapter 502.

§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) - (h) (No change.)

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 11. TEXAS JUVENILE JUSTICE DEPARTMENT

CHAPTER 343. SECURE JUVENILE PRE-ADJUDICATION DETENTION AND POST-ADJUDICATION CORRECTIONAL FACILITIES

The Texas Juvenile Justice Department (TJJD) proposes the repeal of §343.106, concerning Variance; §343.304, concerning Menu Content; §343.489, concerning Educational Curriculum; and §343.671, concerning Educational Curriculum.

TJJD also proposes new §343.108, concerning Document Retention; §343.110, concerning Observation Records; §343.284, concerning Disciplinary Review Log; §343.285, concerning Seclusion/Isolation Log; §343.351, concerning Suicidal Youth Log; §343.407, concerning Health Assessment; §343.435, concerning On-Premises Supervision Requirements; §343.461, concerning Applicability of Standards--MOHU; and §343.629, concerning On-Premises Supervision Requirements.

TJJD also proposes amendments to §§343.100, 343.102, 343.104, 343.200, 343.202, 343.204, 343.206, 343.208, 343.210, 343.212, 343.214, 343.218, 343.220, 343.222, 343.224, 343.226, 343.230, 343.232, 343.236, 343.238, 343.240, 343.242, 343.244, 343.246, 343.248 - 343.250, 343.260, 343.262, 343.264, 343.266, 343.270, 343.272, 343.274, 343.300, 343.302, 343.306, 343.308, 343.310, 343.312, 343.314, 343.316, 343.320, 343.322, 343.324, 343.328, 343.330, 343.332, 343.336, 343.338, 343.340, 343.342, 343.346, 343.348, 343.350, 343.352, 343.354, 343.356, 343.358, 343.360, 343.362, 343.364, 343.372, 343.374, 343.376, 343.378, 343.380, 343.382, 343.384, 343.386, 343.400, 343.402, 343.404, 343.406, 343.410, 343.412, 343.414, 343.416, 343.418, 343.420, 343.422, 343.424, 343.426, 343.428, 343.432, 343.434, 343.438, 343.440, 343.442, 343.444, 343.446, 343.448, 343.450, 343.452, 343.454, 343.456, 343.458, 343.460, 343.462, 343.464, 343.468, 343.470, 343.472, 343.474, 343.476, 343.478, 343.480, 343.482, 343.484, 343.486, 343.488, 343.490, 343.491, 343.493, 343.498, 343.600, 343.602, 343.604, 343.606, 343.608, 343.612, 343.614, 343.616, 343.618, 343.620, 343.622, 343.626, 343.628, 343.630, 343.632, 343.634, 343.636, 343.638, 343.640, 343.642, 343.644, 343.646, 343.648, 343.650, 343.652, 343.654, 343.656, 343.658, 343.660, 343.662, 343.664, 343.666, 343.668, 343.670, 343.672, 343.675, 343.677, 343.680, 343.688, 343.690, 343.700, 343.702, 343.704, 343.706, 343.708, 343.710, 343.712, 343.800, 343.802, 343.804, 343.806, 343.808, 343.810, 343.812, and 343.818, concerning Secure Juvenile Pre-Adjudication Detention and Post-Adjudication Correctional Facilities.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §343.100 will add definitions for the following terms: *bed, confidential setting, constant physical presence, governing board, intern, major violations, medical diet, minor infractions, oral cavity search, pat-down search, perimeter, serious property damage, specialized housing, standard, and strip search*. Definitions for *commission* and *standard screening instrument* will be deleted. The definitions of *behavioral health assessment* and *psychological evaluation* will be amended to clarify that each must include a diagnostic impression and must also include psychometric testing using instruments accepted by the American Psychological Association or a similar organization. The definition of *health assessment* will be amended to include a list of required components. The definition of *intra-jurisdictional custodial transfer* will be amended to clarify that the term does not include placing a resident in a private facility that is located within the placing juvenile probation department's jurisdictional boundaries.

The proposed amendment to §343.102 will delete the paragraph that allowed TJJD to establish additional requirements outside of the Texas Administrative Code, delete the paragraph about the use of headings, and clarify that the terms *includes* and *including* mean that a non-exhaustive list will follow.

The proposed amendment to §343.104 will include information about variances currently found in §343.106.

The repeal of §343.106 will allow for the content of this rule to be consolidated with §343.104.

The proposed new §343.108 will require facilities to retain documents mentioned in this chapter for at least one year after the