



TEXAS STATE BOARD OF EXAMINERS OF MARRIAGE AND FAMILY THERAPISTS

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Chair

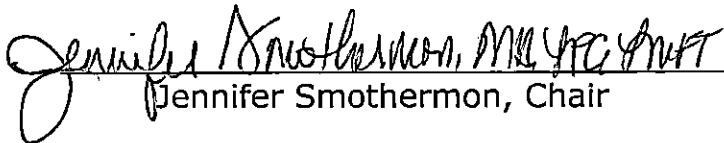
Cheryl Gomez
Executive Director

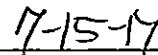
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July 15, 2017

The Texas State board of Examiners of Marriage and family Therapists adopts the attached Schedule of Sanctions/Aggravating and Mitigating Factors Worksheet.


Jennifer Smothermon, Chair


Date

Schedule of Sanctions/Aggravating and Mitigating Factors Worksheet

Case # _____ Respondent _____

The following disciplinary actions are for single, first time violations with no mitigating or aggravating factors. The board shall consider more severe disciplinary actions for repeat offenders and multiple violations. The board shall consider more severe or less severe disciplinary actions based on aggravating and mitigating factors.

Warning (non-disciplinary action)

- ___ Appropriately identifying license 801.43 (a); 801.44 (q); 801.50(b); 801.52 (a)(c); 801.53(d)(e)(f)
- ___ Reasonable efforts to prevent others from making false statements 801.43 (e)
- ___ Protect individual from harm resulting from a group setting 801.44(k)
- ___ Inform clients about testing as part of treatment 801.46(a)
- ___ Keep accurate records 801.48 (e)
- ___ Inform client about reporting sexual misconduct of another licensee 801.48(h)(2)
- ___ reporting violations and alleged misrepresentation 801.49 (b)
- ___ Report name, mailing address within 30 days 801.49(c) (f)
- ___ Consumer Complaint Information 801.51(a)
- ___ Supervisor must make sure the Associate is aware of code of Ethics 801.143(f)(1)

Conditional Letter of Advisement (non-disciplinary action)

- ___ Avoid non therapeutic relationships with clients 801.44(l)
- ___ keep accurate records 801.43(m)
- ___ Refer clients when needed 801.44(p), (x)
- ___ Technology Assisted Services 801.58(e)
- ___ Supervised Clinical Experience 801.142 (1)(D); 801.143(e)

The following actions are disciplinary actions. They are reported to the National Practitioner Databank and posted on the website.

Level 5: Reprimand

- ___ Making false statements 801.43 (b); 801.53(a)
- ___ Provide services in the context of a professional relationship 801.44 (a)
- ___ Failure to inform client and proper informed consent 801.44 (b), (c), (d); 801.57(f); 801.58 (h)
- ___ Provide MFT services to family/friends/business associates 801.44(i)
- ___ Billing Clients 801.44(o)
- ___ Providing service to those served by others 801.44(v)
- ___ Not enter into a non-professional relationship with a client's family 801.44(z)
- ___ Plan of custody for records 801.48(g)
- ___ Report sexual misconduct by another licensee 801.48(h)(1)
- ___ Respond timely to the board 801.49(e)
- ___ written reports to the board 801.49(g)
- ___ Technology Assisted Services education and training requirements 801.58(d)
- ___ Supervisor Requirements 801.143(c)(d)(h)(j)
- ___ Supervisor/supervisee relationship 801.143(f)(2)(4)(5)

Administrative Penalty

- ___ Referral for pay 801.44(e) (Level III: no more than \$250)

Level 4: Probated Suspension

- Exploit position of trust, meet personal needs 801.44(f),(g)
- Terminate when client is not benefiting 801.44(p)
- Provide services within competency and within standard of practice 801.44(r), (s)
- Appropriate training when conducting a test 801.46(c)
- Client Confidentiality and release of records 801.48(b)(c)(d)(f), 801.58(i)
- Dual Relationship 801.55(e), 801.56(d), 801.57 (d)
- LMFT Associate providing child custody evaluations 801.57(g)
- Supervisor Reimbursements 801.143(h)(m)

Level 2/3: Active Suspension

- Use of alcohol or drugs in a way that impairs professional competency 801.44(w); 801.47 (1)
- Aiding and abetting unlicensed practice 801.44(y)
- use of illegal drugs 801.47(2)
- Alteration of a license 801.52(b)
- May not offer an expert opinion related to child custody 801.57(e)

Level 1: Revocation

- Promote or encourage illegal use of alcohol/drugs 801.44(U)
- Sexual contact or sexual exploitation with client, former client, intern, associate, supervisor/supervisee, 801.45(b)(c)(d)
- Practicing on Inactive Status 801.236(c)

Aggravating Factors:

- Culpability of the licensee (Intentional or premeditated, Due to blatant disregard or gross neglect)
 - Emotional/mental harm caused or posed and type and severity thereof
 - Economic harm to a person and the severity thereof
 - Increased potential for harm to the public
 - Prior written warnings from supervisor or governmental agency or official regarding standards of practice, statutes or regulations pertaining to the licensee's practice
 - Prior misconduct of a similar or related nature
 - Likelihood of future misconduct of a similar nature
 - Violation of a board order
 - Failure to implement remedial measures to correct issues arising from the misconduct
 - Lack of rehabilitative potential
 - Lack of remorse
 - Motive
 - Negative Impact on the client/former client
 - Negative Impact on the profession
 - Existence of addictions, such as alcohol, drugs, pornography, perversion which make the likelihood of rehabilitation unlikely
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Mitigating Factors:

- Resulted from simple error
 - Self-reported
 - Admission of wrong and acceptance of responsibility
 - Appropriate degree of remorse or concern
 - Good intent
 - Rehabilitative potential
 - Efforts to ameliorate the harm or make restitution
 - Efforts to ensure that future violations do not occur
 - Voluntary taking of CEs in the area of the violation before the hearing
 - Cooperation with investigation or request for information
 - Lack of experience at the time of the violation
 - The respondent acted in good faith to avoid or mitigate the violation after it became apparent
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