

# TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS



## MEMBERS OF THE BOARD

Steven Hallbauer, Board Chair  
Christopher Taylor, LPC-S Board Vice-Chair  
Dr. Lia Amuna, LPC  
Dr. Loretta J. Bradley, LPC-S  
Brenda S. Compagnone, LPC-S  
Vanessa Hall  
Roy Smith  
Janie Stubblefield, LPC-S  
Jenn Winston

Cristina De Luna  
Board Administrator

## TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS FULL BOARD MEETING AGENDA Friday, February 2, 2024 9:00 a.m.

The February 2, 2024 meeting of the Texas State Board of Examiners of Professional Counselors will be held by videoconference call, as authorized under Texas Government Code section 551.127. One or more Board members may appear at the scheduled meeting via videoconference call, but the presiding member will be physically present at 1801 Congress Ave., Ste. 4.300, Austin, Texas 78701. In the event of internet connectivity problems, the physical meeting location will be moved to 1801 Congress Ave., Ste. 7.102 or 7.301, Austin, Texas 78701. These alternate locations will be open to the public, but seating is limited to first come, first served. Due to the size of these alternate meeting rooms, public seating will be limited by their relative occupancy ratings.

In lieu of attending in person, members of the public are encouraged to access and participate virtually in this meeting by entering the URL address <https://us02web.zoom.us/j/82443531452> into their web browser. Telephone access numbers and additional videoconference call access information can be found in the attached addendum. An electronic copy of the agenda and meeting materials will be made available at [www.bhec.texas.gov](http://www.bhec.texas.gov) prior to the meeting. A recording of the meeting will be made available on the Council's YouTube channel after the meeting is adjourned. To obtain a copy of the recording, please contact the Council's public information officer at [Open.Records@bhec.texas.gov](mailto:Open.Records@bhec.texas.gov).

For members of the public wishing to give public comment, once the public comment item is reached on the agenda after the meeting convenes, the presiding member will allow those who are attending in person to give public comment first and then ask those joining by computer to use the "raise hand" feature to indicate who would like to make a public comment. Those individuals who raise their hand will then be unmuted to give public comment. Once all of the individuals with raised hands have been given an opportunity to make public comment, the individuals appearing by telephone will be unmuted and asked whether they would like to make a public comment. Please note that public comment is not intended for a discussion or a question-and-answer session with the Board. Additionally, when making a public comment, please identify yourself and whether you are speaking individually or on behalf of an organization. All public comments will be limited to 3 minutes, unless otherwise directed by the presiding officer. In lieu of providing public comment during the meeting, you may submit written public comments via: <https://forms.office.com/Pages/ResponsePage.aspx?id=uB8ShZdeqE6Iig0Dpyx99x-PcWPPv1BLhwExXMXErF5UQVVBRFcxVU4zM0ISSEFPMUhFWVlZTjZaVy4u>. Only those written public comments received by 5pm on the last business day prior to the meeting will be submitted to the

board members for their consideration. No written comments received will be read aloud during the meeting.

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

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

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

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

Board Meeting Agenda for February 2, 2024 at 9:00 a.m.

1. Call to Order.
2. Roll Call and Certification of Quorum.
3. Board review and possible action regarding Application Review(s) or Denial(s).
4. Discussion and possible action regarding orders to be executed by Board Chair.
5. Report of orders from FY 2024 – Q1 executed by Council’s Executive Director.
6. Reports Review:
  - A. FY 2024 – Q1 Performance Measure Report
  - B. FY 2024 – Q1 Enforcement Status Report
  - C. FY 2024 – Q1 Complaint Dismissal Report
7. Discussion and possible action related to State Office of Administrative Hearings (SOAH) Proposals for Decision (PFD) and Default Dismissal Orders, and possible orders to be recommended or ratified by the Board.
8. Discussion and possible action regarding petition for rulemaking related to §681.72 (d) related to supervisor status.
9. Report on *Children's Mental Health Strategic Plan Subcommittee* activities. Discussion to be led by Janie Stubblefield, the BHEC delegate to the subcommittee.
10. Rulemaking - Texas State Board of Examiners of Professional Counselors:

Discussion and possible action concerning public comment and adoption of proposed published rules.

*(Rules proposed by LPC Full Board October 13, 2023. BHEC reviewed proposal for adoption on October 24, 2023. Published to Texas Register on November 17, 2023.)*

- i. 681.72 Required Application Materials

11. Discussion and possible action concerning Committee Reports.
  - A. Application & Supervision Issues Committee – (Cristina)
12. Board Chair Report and update concerning current challenges and accomplishments; interaction with stakeholders, state officials, and staff; workload of Board members; and general information regarding the routine functioning of the Board, including BHEC updates.
13. Board Administrator Report concerning program operations; customer service accomplishments and challenges; workload processing; general information regarding the routine functioning of the licensure program; and enforcement compliance.
14. General Public Comments – Public Comment is limited to three (3) minutes per person, unless otherwise directed by the presiding officer. Please note that the Board may not discuss or take action on any matter raised during public comment, except to decide whether to place the matter on the agenda of a future meeting. Limited public comment related to rulemaking may be allowed by the Presiding Member, in his or her sole discretion, prior to the Board taking up any rulemaking topics on the agenda.
15. Adjournment

**Addendum: Additional Videoconference and Telephone Conference Call Information**

When: February 2, 2024 09:00 AM Central Time (US and Canada)

Topic: Texas State Board of Examiners of Professional Counselors February 2, 2024 Full Board Meeting

Please click the link below to join the webinar: <https://us02web.zoom.us/j/82443531452>

Or One tap mobile : +13462487799,,82443531452# US (Houston) +16699009128,,82443531452# US (San Jose)

Or Telephone: Dial(for higher quality, dial a number based on your current location): +1 346 248 7799 US (Houston) +1 669 900 9128 US (San Jose) +1 719 359 4580 US +1 253 205 0468 US +1 253 215 8782 US (Tacoma) +1 669 444 9171 US +1 360 209 5623 US +1 386 347 5053 US +1 507 473 4847 US +1 564 217 2000 US +1 646 558 8656 US (New York) +1 646 931 3860 US +1 689 278 1000 US +1 301 715 8592 US (Washington DC) +1 305 224 1968 US +1 309 205 3325 US +1 312 626 6799 US Chicago)

Webinar ID: 824 4353 1452

International numbers available: <https://us02web.zoom.us/j/82443531452>

COMPLAINT NO. 2022-00279

IN THE MATTER OF

CARLOS QUESADA

§ BEFORE THE TEXAS BEHAVIORAL  
§ HEALTH EXECUTIVE COUNCIL  
§  
§ THE TEXAS STATE BOARD  
§ OF EXAMINERS OF  
§ PROFESSIONAL COUNSELORS

AGREED ORDER

Pursuant to its authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of Council, which have been approved and accepted by **CARLOS QUESADA** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a professional counselor (#75437) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent failed to terminate a professional counseling relationship when it was reasonably clear that the client was not benefitting.
3. Respondent failed to keep a copy of informed consent paperwork within a client's case file.
4. Respondent failed to keep his address and/or contact information current with the Council.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.
2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 507.301, and 507.351 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated 22 Tex.

Admin. Code §§ 681.41(p), 681.41(q), 681.41(r), 681.41(w), 681.41(z), and 882.32.

**ORDER**

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

1. Respondent's license is **SUSPENDED** for a period of five (5) years from the effective date of this order. However, the five (5) years of suspension shall be **PROBATED**, so long as Respondent complies with all state and federal statutes and regulations pertaining to the practice of professional counseling. Although the probated suspension ordered herein will result in Respondent's license being restricted, Respondent shall take all steps necessary to renew and maintain Respondent's license while this order is in effect. Respondent's license shall remain on restricted status until all terms of this order have been satisfactorily completed.
2. Respondent is assessed and shall pay, within ninety (90) days of the date this order is ratified, an administrative penalty in the total amount of \$5,000.00; of which \$4,000.00 represents administrative costs and \$1,000.00 represents administrative penalty.
3. Respondent, within ninety (90) days of the date this order is ratified, shall complete and submit proof of completion of six (6) hours of professional development relating to general ethics; six (6) hours of professional development relating to record keeping; six (6) hours of professional development related to terminating clients; and six (6) hours of professional development related to referring clients. This professional development is in addition to the professional development hours required for license renewal. Respondent will pay all costs of the coursework.
4. Respondent shall be required to practice under the supervision of a practice monitor for a period of no less than one (1) year from the date this order is ratified. After a full year of practice monitoring, and only if the Respondent's practice monitor recommends doing so in writing, Respondent may submit a written request to the Council, or its designee, to end this required practice monitoring; and the Council, or its designee, may grant or deny this request at its own discretion.

Respondent shall, within fourteen (14) days of the date this order is ratified, submit to the Council or its designee for approval the name and qualifications of a licensed professional counselor who has agreed to serve as a practice monitor. The practice monitor shall (1) be a Texas-licensed professional counselor - supervisor with no record of disciplinary actions; (2) have no business, professional, personal, or other relationship with Respondent that would interfere with the practice monitor's function or duties; and (3) possess specialized knowledge, education and experience in the same field of practice as that of Respondent.

Once approved, the practice monitor shall submit to the Council or its designee a monitoring contract and plan by which Respondent's practice shall be monitored for compliance with ethical and legal practice standards, as well as the terms of this Order. Monitoring shall consist of at least one (1) hour of individual face-to-face meetings every month. The Respondent shall provide the practice monitor with a copy of this Order and access to Respondent's records. Respondent shall execute a release authorizing the practice monitor to divulge any information the Council or its designee may request.

It shall be Respondent's responsibility to assure the practice monitor submits written reports to the Council or its designee on a quarterly basis verifying that monitoring has taken place and providing an evaluation of Respondent's performance. At the Council's discretion, if any of these reports provides sufficient concern, the Council may impose further monitoring requirements and/or take other appropriate actions to ensure the safety of the public.

In the event Respondent's monitor indicates that Respondent is fit to practice professional counseling, but makes recommendations concerning reasonable steps Respondent must or should take to enhance or maintain Respondent's fitness to practice professional counseling, Respondent shall comply with any and all recommendations made by Respondent's monitor. If Respondent refuses or fails to follow the recommendations, Respondent agrees that Respondent's license shall be **SUSPENDED**, without further hearings, informal settlement procedures, or any right of appeal for judicial review; pending further review of Respondent by the Council, or its designee.

If the monitor indicates there is sufficient concern or need to impose further requirements, restrictions, and/or take other appropriate actions to ensure the safety of the public the Council, or its designee, may do so at its own discretion. In the event Respondent refuses or fails to follow the additional requirements or restrictions imposed by the Council, or its designee, Respondent agrees that Respondent's license shall be **SUSPENDED**, without further hearings, informal settlement procedures, or any right of appeal for judicial review; pending further review of Respondent by the Council, or its designee.

If the practice monitor cannot continue the monitoring engagement, Respondent shall get approval from the Council or its designee for a new practice monitor. If no new practice monitor is approved, Respondent shall not practice until a new practice monitor has been approved. If Respondent does not have at least one (1) hour of individual face-to-face supervision every month Respondent's license shall be **SUSPENDED**, without further hearings, informal settlement procedures, or any right of appeal for judicial review, until supervision resumes and the practice monitor submits a report attesting to Respondent's fitness to provide professional counseling services in safe and competent manner. During any period of suspension, non-practice, or non-supervision by a practice monitor, the practice monitoring time period shall be tolled and shall not apply to the reduction of the required practice monitoring time period. Respondent shall pay all costs associated with

this practice monitoring requirement. RESPONDENT AGREES THAT ANY FAILURE TO COMPLY WITH THE PRACTICE MONITORING REQUIREMENTS, OR ANY OTHER TERM IN THIS ORDER, SHALL CONSTITUTE IMMEDIATE GROUNDS FOR REVOCATION OF RESPONDENT'S LICENSE.

WARNING

**RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.**

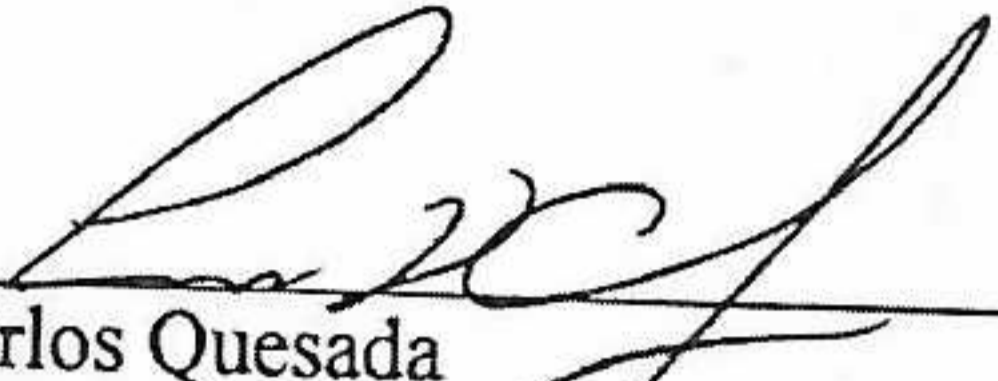
WAIVERS

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.

THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

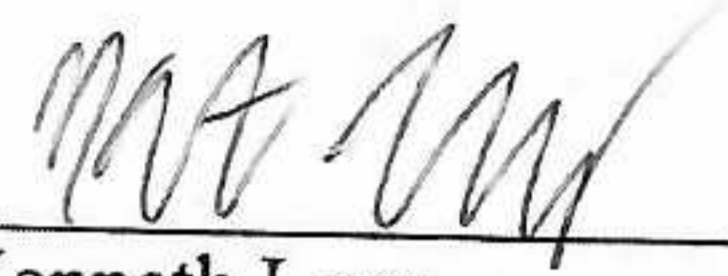


FOR THE RESPONDENT:

  
\_\_\_\_\_  
Carlos Quesada  
Licensed Professional Counselor  
No. 75437

DATE SIGNED: 11/1/2023

FOR THE STAFF OF THE COUNCIL:

  
\_\_\_\_\_  
Kenneth Long  
Texas Bar No. 24078877  
Staff Attorney  
Texas Behavioral Health Executive Council  
1801 Congress Ave., Ste. 7.300  
Austin, Texas 78701

DATE SIGNED: 11/2/2023

APPROVED, RATIFIED, AND ENTERED THIS 2nd DAY OF November, 2023.

  
\_\_\_\_\_  
Darrel Spinks  
Executive Director  
Texas Behavioral Health Executive Council

COMPLAINT NO. 2023-00251

IN THE MATTER OF

EMILY LITTLE

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BEFORE THE TEXAS BEHAVIORAL  
HEALTH EXECUTIVE COUNCIL

THE TEXAS STATE BOARD  
OF EXAMINERS OF  
PROFESSIONAL COUNSELORS

**AGREED ORDER**

Pursuant to its authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council (“Council”) hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of Council, which have been approved and accepted by EMILY LITTLE (“Respondent”) and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

**FINDINGS OF FACT**

1. Respondent is licensed as a Professional Counselor (81472) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent used alcohol in a manner that adversely affected the Respondent’s ability to provide counseling. Respondent has since received treatment for alcoholism.

**CONCLUSIONS OF LAW**

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.
2. Violation of the Council’s Rules constitutes grounds for the imposition of sanctions under §§503.401, 507.301, and 507.351 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated Council Rules 22 TAC §681.44.
4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but

agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

### **ORDER**

#### **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

1. Respondent's license is SUSPENDED for a period of two (2) years from the effective date of this order. However, the two (2) years of suspension shall be PROBATED, so long as Respondent complies with all state and federal statutes and regulations pertaining to the practice of Professional Counseling. Although the probated suspension ordered herein will result in Respondent's license being restricted, Respondent shall take all steps necessary to renew and maintain Respondent's license while this order is in effect. Respondent's license shall remain on restricted status until all terms of this order have been satisfactorily completed.
2. Respondent shall be required to participate in therapy for no less than one year from the date this order is ratified. Respondent shall, within thirty (30) days of the date this order is ratified, submit to the Council, or its designee, for approval the name and qualifications of a clinical social worker, marriage and family therapist, professional counselor, or psychologist ("therapist") who has agreed to provide Respondent therapy. The therapist shall (1) be Texas-licensed with no record of disciplinary actions; and (2) have no business, professional, personal, or other relationship with Respondent that would interfere with the therapist's function or duties. Once approved, the therapist shall submit to the Council, or its designee, a treatment plan by which the therapist plans to assess and treat the Respondent; the therapist may make modification to the treatment plan at the therapist's discretion, and any medications shall be reported to the Council, or its designee, in writing. Respondent must attend therapy at least once a month but if Respondent's therapist recommends therapy on a more frequent basis then Respondent must comply with such recommendations.

It shall be Respondent's responsibility to assure the therapist submits written reports to the Council, or its designee, on a quarterly basis verifying that therapy has taken place, providing a general opinion and evaluation of the Respondent, and providing an opinion regarding the Respondent's ability to provide Professional Counseling services in a safe and competent manner as well as any recommendations to enhance or maintain Respondent's fitness to practice Professional Counseling..

In the event Respondent's therapist indicates that Respondent is fit to practice Professional Counseling, but makes recommendations concerning reasonable steps Respondent must or should take to enhance or maintain Respondent's fitness to practice Professional Counseling, Respondent shall comply with any and all recommendations made by Respondent's therapist. If Respondent refuses or fails to follow the recommendations, Respondent agrees that Respondent's license shall be SUSPENDED, without further

hearings, informal settlement procedures, or any right of appeal for judicial review; pending further review of Respondent by the Council, or its designee.

If the therapist indicates there is sufficient concern or need to impose further requirements, restrictions, and/or take other appropriate actions to ensure the safety of the public the Council, or its designee, may do so at its own discretion. In the event Respondent refuses or fails to follow the additional requirements or restrictions imposed by the Council, or its designee, Respondent agrees that Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review; pending further review of Respondent by the Council, or its designee.

After a full year of therapy, and only if the Respondent's therapist recommends doing so in writing, Respondent may submit a written request to the Council, or its designee, to end this required therapy; and the Council, or its designee, may grant or deny this request at its own discretion. A full year of therapy shall be 365 days from the date Respondent has the first therapy session and continued for the minimum required one (1) session per month. If the therapist cannot continue providing therapy, Respondent shall get approval from the Council, or its designee, for a new therapist. If Respondent does not have any therapy for a period of more than thirty (30) days Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review; until therapy resumes and the therapist submits a report attesting to Respondent's fitness to provide professional counseling services in safe and competent manner. During any period of non-therapy, the therapy time period shall be tolled and any period of non-therapy shall not apply to the reduction of this required therapy time period. Respondent shall pay all costs associated with this therapy requirement.

3. Respondent shall be required to practice under the supervision of a practice monitor for a period of two (2) years from the date this order is ratified. Respondent shall, within fourteen (14) days of the date this order is ratified, submit to the Council or its designee for approval the name and qualifications of a Professional Counselor Supervisor who has agreed to serve as a practice monitor. The practice monitor shall (1) be a Texas-licensed Professional Counselor Supervisor with no record of disciplinary actions; (2) have no business, professional, personal, or other relationship with Respondent that would interfere with the practice monitor's function or duties; and (3) possess specialized knowledge, education and experience in the same field of practice as that of Respondent.

Once approved, the practice monitor shall submit to the Council or its designee a monitoring contract and plan by which Respondent's practice shall be monitored for compliance with ethical and legal practice standards, as well as the terms of this Order. Monitoring shall consist of at least one (1) hour of individual face-to-face (in person or by video) meetings every month. The Respondent shall provide the practice monitor with a copy of this Order and access to Respondent's records. Respondent shall execute a release authorizing the practice monitor to divulge any information the Council or its designee may request.

It shall be Respondent's responsibility to assure the practice monitor submits written reports to the Council or its designee on a quarterly basis verifying that monitoring has taken place and providing an evaluation of Respondent's performance. At the Council's discretion, if any of these reports provides sufficient concern, the Council may impose further monitoring requirements and/or take other appropriate actions to ensure the safety of the public.

In the event Respondent's monitor indicates that Respondent is fit to practice Professional Counseling but makes recommendations concerning reasonable steps Respondent must or should take to enhance or maintain Respondent's fitness to practice Professional Counseling, Respondent shall comply with any and all recommendations made by Respondent's monitor. If Respondent refuses or fails to follow the recommendations, Respondent agrees that Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review; pending further review of Respondent by the Council, or its designee.

If the monitor indicates there is sufficient concern or need to impose further requirements, restrictions, and/or take other appropriate actions to ensure the safety of the public the Council, or its designee, may do so at its own discretion. In the event Respondent refuses or fails to follow the additional requirements or restrictions imposed by the Council, or its designee, Respondent agrees that Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review; pending further review of Respondent by the Council, or its designee.

If the practice monitor cannot continue the monitoring engagement, Respondent shall get approval from the Council or its designee for a new practice monitor. If no new practice monitor is approved, Respondent shall not practice until a new practice monitor has been approved. If Respondent does not have at least one (1) hour of individual face-to-face supervision every month Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review, until supervision resumes and the practice monitor submits a report attesting to Respondent's fitness to provide Professional Counseling services in safe and competent manner. During any period of suspension, non-practice, or non-supervision by a practice monitor, the practice monitoring time period shall be tolled and shall not apply to the reduction of the required practice monitoring time period. Respondent shall pay all costs associated with this practice monitoring requirement. **RESPONDENT AGREES THAT ANY FAILURE TO COMPLY WITH THE PRACTICE MONITORING REQUIREMENTS, OR ANY OTHER TERM IN THIS ORDER, SHALL CONSTITUTE IMMEDIATE GROUNDS FOR REVOCATION OF RESPONDENT'S LICENSE.**

WARNING

RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.

WAIVERS

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.

THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:



Emily Little  
Licensed Professional Counselor  
#81472

DATE SIGNED: 11/29/2023

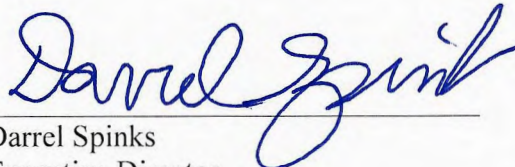
FOR THE STAFF OF THE COUNCIL:



Victoria Benitez, Staff Attorney  
Texas Bar No. 02134350  
Texas Behavioral Health Executive Council  
1801 Congress Ave., Ste.7.300  
Austin, Texas 78701

DATE SIGNED: 11/29/23

APPROVED, RATIFIED, AND ENTERED THIS 29<sup>th</sup> DAY OF November, 2023



Darrel Spinks  
Executive Director  
Texas Behavioral Health Executive Council

COMPLAINT NO. 2023-00423

IN THE MATTER OF

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BEFORE THE TEXAS BEHAVIORAL  
HEALTH EXECUTIVE COUNCIL

THE TEXAS STATE BOARD  
OF EXAMINERS OF  
PROFESSIONAL COUNSELORS

HOLLY SCOTT

AGREED ORDER

Pursuant to its authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council (“Council”) hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of Council, which have been approved and accepted by **HOLLY SCOTT** (“Respondent”) and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a professional counselor (#65555) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent’s license became delinquent on or about December 31, 2021. However, Respondent continued practicing professional counseling with a delinquent and/or expired license until on or about May 23, 2023.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.
2. Violation of the Council’s Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 507.301, and 507.351 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated 22 Tex. Admin. Code §§ 882.21(a), 882.21(c), 882.23(a), and Tex. Occupations Code 503.301.

**ORDER**

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

1. Respondent's license is hereby REPRIMANDED.
2. Respondent is assessed and shall pay, within thirty (30) days of the date this order is ratified, an administrative penalty in the total amount of \$2,000.00; of which \$1,600.00 represents administrative costs and \$400.00 represents administrative penalty.
3. Respondent, within thirty (30) days of the date this order is ratified, shall complete and submit proof of completion of three (3) hours of professional development relating to general ethics. This professional development is in addition to the professional development hours required for license renewal. Respondent will pay all costs of the coursework.

**WARNING**

**RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.**

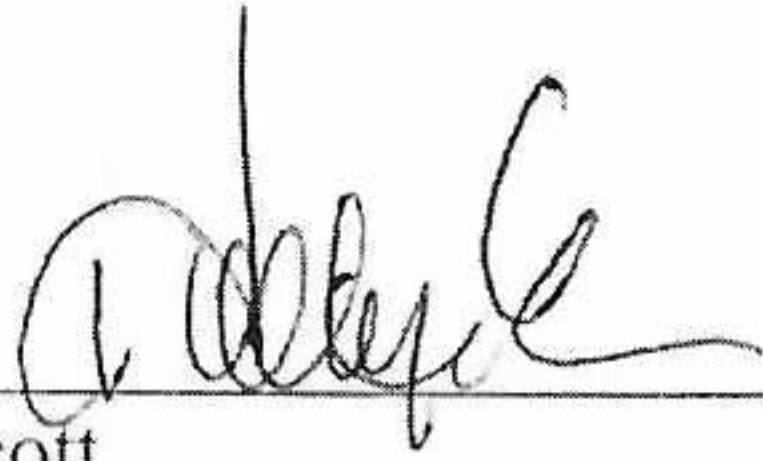
**WAIVERS**

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.

THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.



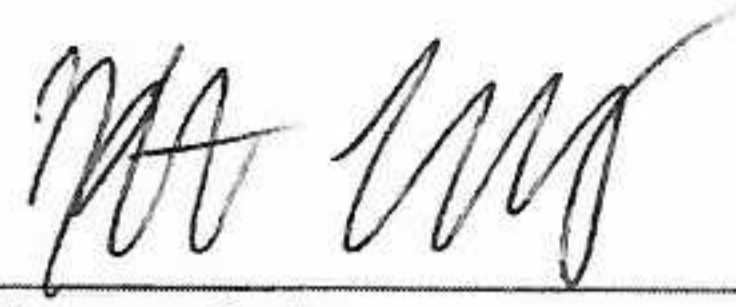
FOR THE RESPONDENT:



Holly Scott  
Licensed Professional Counselor  
No. 65555

DATE SIGNED: 9/27/2023

FOR THE STAFF OF THE COUNCIL:



Kenneth Long  
Texas Bar No. 24078877  
Staff Attorney  
Texas Behavioral Health Executive Council  
1801 Congress Ave., Ste. 7.300  
Austin, TX 78701

DATE SIGNED: 9/29/2023

APPROVED, RATIFIED, AND ENTERED THIS 3rd DAY OF October, 2023.



Darrel Spinks  
Executive Director  
Texas Behavioral Health Executive Council

**COMPLAINT NO. 2023-00363**

**IN THE MATTER OF**

§  
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**BEFORE THE TEXAS BEHAVIORAL  
HEALTH EXECUTIVE COUNCIL**

**THE TEXAS STATE BOARD  
OF EXAMINERS OF  
PROFESSIONAL COUNSELORS**

**KEVIN DAVID LEWIS**

**AGREED ORDER**

Pursuant to its authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of Council, which have been approved and accepted by **Kevin David Lewis** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

**FINDINGS OF FACT**

1. Respondent is licensed as a Professional Counselor (#83419) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent had an intimate relationship with a client during the therapeutic relationship.

**CONCLUSIONS OF LAW**

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.
2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 507.301 and 507.351 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated Council Rules 22 TAC 681.42(b) and (e) pertaining to Sexual Misconduct.
4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law but agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

## ORDER

### **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

1. Respondent's license is SUSPENDED for a period of five (5) years from the effective date of this order. However, after the first (1st) year of suspension, the remaining four (4) years of suspension shall be PROBATED, so long as Respondent complies with all state and federal statutes and regulations pertaining to the practice of Professional Counseling. Although the suspension and probated suspension ordered herein will result in Respondent's license being restricted, Respondent shall take all steps necessary to renew and maintain Respondent's license while this order is in effect. Respondent's license shall remain on restricted status until all terms of this order have been satisfactorily completed.
2. Respondent is assessed and shall pay, within ninety (90) days of the date this order is ratified, an administrative penalty in the total amount of \$3,500.00; of which \$2500.00 represents administrative costs and \$500.00 represents administrative penalty.
3. Respondent, within thirty (30) days of the date this order is ratified, shall complete and submit proof of completion of twelve (12) hours of professional development relating to professional ethics or boundaries, or any combination thereof. This professional development is in addition to the professional development hours required for license renewal. Respondent will pay all costs of the coursework.
4. Respondent shall be required to participate in therapy for no less than one year from the date this order is ratified. Respondent shall, within fourteen (14) days of the date this order is ratified, submit to the Council, or its designee, for approval the name and qualifications of a clinical social worker, marriage and family therapist, professional counselor, or psychologist ("therapist") who has agreed to provide Respondent therapy. The therapist shall (1) be Texas-licensed with no record of disciplinary actions; and (2) have no business, professional, personal, or other relationship with Respondent that would interfere with the therapist's function or duties. Respondent's current therapist meets these requirements and shall be approved after the ratification of this order. Once approved, the therapist shall submit to the Council, or its designee, a treatment plan by which the therapist plans to assess and treat the Respondent; the therapist may make modification to the treatment plan at the therapist's discretion, and any medications shall be reported to the Council, or its designee, in writing. Respondent must attend therapy at least twice a month but if Respondent's therapist recommends therapy on a more frequent basis then Respondent must comply with such recommendations.  
It shall be Respondent's responsibility to assure the therapist submits written reports to the Council, or its designee, on a quarterly basis verifying that therapy has taken place, providing a general opinion and evaluation of the Respondent, and providing an opinion regarding the Respondent's ability to provide Professional Counseling services in safe and

competent manner as well as any recommendations to enhance or maintain Respondent's fitness to practice Professional Counseling.

In the event Respondent's therapist indicates that Respondent is fit to practice Professional Counseling, but makes recommendations concerning reasonable steps Respondent must or should take to enhance or maintain Respondent's fitness to practice Professional Counseling, Respondent shall comply with any and all recommendations made by Respondent's therapist. If Respondent refuses or fails to follow the recommendations, Respondent agrees that Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review; pending further review of Respondent by the Council, or its designee.

If the therapist indicates there is sufficient concern or need to impose further requirements, restrictions, and/or take other appropriate actions to ensure the safety of the public the Council, or its designee, may do so at its own discretion. In the event Respondent refuses or fails to follow the additional requirements or restrictions imposed by the Council, or its designee, Respondent agrees that Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review; pending further review of Respondent by the Council, or its designee.

After a full year of therapy, and only if the Respondent's therapist recommends doing so in writing, Respondent may submit a written request to the Council, or its designee, to end this required therapy; and the Council, or its designee, may grant or deny this request at its own discretion. A full year of therapy shall be 365 days from the date Respondent has the first therapy session and continued for the minimum required two (2) session per month. If the therapist cannot continue providing therapy, Respondent shall get approval from the Council, or its designee, for a new therapist. If Respondent does not have any therapy for a period of more than thirty (30) days Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review; until therapy resumes and the therapist submits a report attesting to Respondent's fitness to provide Professional Counseling services in safe and competent manner. During any period of non-therapy, the therapy time period shall be tolled and any period of non-therapy shall not apply to the reduction of this required therapy time period. Respondent shall pay all costs associated with this therapy requirement.

5. After the one year suspension is completed, Respondent shall be required to practice under the supervision of a practice monitor for a period of four (4) years. Respondent shall, within thirty (30) days prior to the end of the suspension date, submit to the Council or its designee for approval the name and qualifications of a Professional Counselor Supervisor who has agreed to serve as a practice monitor. The practice monitor shall (1) be a Texas-licensed Professional Counselor Supervisor with no record of disciplinary actions; (2) have no business, professional, personal, or other relationship with Respondent that would interfere with the practice monitor's function or duties; and (3) possess specialized knowledge, education and experience in the same field of practice as that of Respondent.

Once approved, the practice monitor shall submit to the Council or its designee a monitoring contract and plan by which Respondent's practice shall be monitored for compliance with ethical and legal practice standards, as well as the terms of this Order. Monitoring shall consist of at least one (1) hour of individual face-to-face meetings every month. The Respondent shall provide the practice monitor with a copy of this Order and access to Respondent's records. Respondent shall execute a release authorizing the practice monitor to divulge any information the Council or its designee may request.

It shall be Respondent's responsibility to assure the practice monitor submits written reports to the Council or its designee on a quarterly basis verifying that monitoring has taken place and providing an evaluation of Respondent's performance. At the Council's discretion, if any of these reports provides sufficient concern, the Council may impose further monitoring requirements and/or take other appropriate actions to ensure the safety of the public.

In the event Respondent's monitor indicates that Respondent is fit to practice Professional Counseling, but makes recommendations concerning reasonable steps Respondent must or should take to enhance or maintain Respondent's fitness to practice Professional Counseling, Respondent shall comply with any and all recommendations made by Respondent's monitor. If Respondent refuses or fails to follow the recommendations, Respondent agrees that Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review; pending further review of Respondent by the Council, or its designee.

If the monitor indicates there is sufficient concern or need to impose further requirements, restrictions, and/or take other appropriate actions to ensure the safety of the public the Council, or its designee, may do so at its own discretion. In the event Respondent refuses or fails to follow the additional requirements or restrictions imposed by the Council, or its designee, Respondent agrees that Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review; pending further review of Respondent by the Council, or its designee.

If the practice monitor cannot continue the monitoring engagement, Respondent shall get approval from the Council or its designee for a new practice monitor. If no new practice monitor is approved, Respondent shall not practice until a new practice monitor has been approved. If Respondent does not have at least one (1) hour of individual face-to-face supervision every month Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review, until supervision resumes and the practice monitor submits a report attesting to Respondent's fitness to provide Professional Counseling services in safe and competent manner. During any period of suspension, non-practice, or non-supervision by a practice monitor, the practice monitoring time period shall be tolled and shall not apply to the reduction of the required practice monitoring time period. Respondent shall pay all costs associated with

this practice monitoring requirement. RESPONDENT AGREES THAT ANY FAILURE TO COMPLY WITH THE PRACTICE MONITORING REQUIREMENTS, OR ANY OTHER TERM IN THIS ORDER, SHALL CONSTITUTE IMMEDIATE GROUNDS FOR REVOCATION OF RESPONDENT'S LICENSE.

**WARNING**

**RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.**

**WAIVERS**

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.

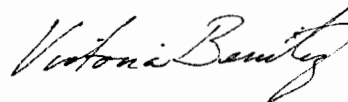
THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:



Kevin David Lewis  
Licensed Professional Counselor  
#83419

FOR THE STAFF OF THE COUNCIL:

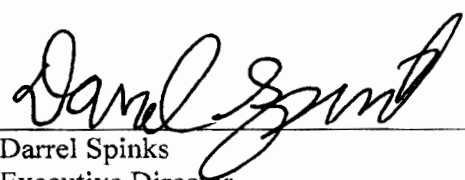


Victoria Benitez  
Texas Bar No. 02134350  
Staff Attorney  
Texas Behavioral Health Executive Council  
1801 Congress Ave., Ste. 7.300  
Austin, Texas 78701

DATE SIGNED: 10/23/23

DATE SIGNED: 10/26/2023

APPROVED, RATIFIED, AND ENTERED THIS 26<sup>th</sup> DAY OF October, 2023.



Darrel Spinks  
Executive Director  
Texas Behavioral Health Executive Council

COMPLAINT NO. 1061-20-0107

IN THE MATTER OF

KIMBERLEY BUCKNER-MANLEY

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§

BEFORE THE TEXAS BEHAVIORAL  
HEALTH EXECUTIVE COUNCIL

THE TEXAS STATE BOARD  
OF EXAMINERS OF  
PROFESSIONAL COUNSELORS

AGREED ORDER

Pursuant to the authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of the Council, which have been approved and accepted by **KIMBERLEY BUCKNER-MANLEY** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

FINDINGS OF FACT

1. Respondent is licensed as a professional counselor (#69916) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent counseled the minor clients at issue (the "Clients") while they were seeing another counselor. Respondent failed to contact or collaborate with the other counselor.
3. Respondent failed to provide records after they were requested by the mother of the Clients.
4. Respondent failed to obtain informed consent for treatment from the mother of the Clients, pursuant to the divorce decree governing the treatment of the Clients.
5. Respondent failed to follow the divorce decree governing the treatment of the Clients.

CONCLUSIONS OF LAW

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.
2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 507.301, and 507.351 of the Texas Occupations Code.



3. Based on the above Findings of Fact, the Council finds that Respondent violated 22 Tex. Admin. Code §§ 681.41(e), 681.41(n), 681.41(u), and 681.41(v).
4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

**ORDER**

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

1. Respondent's license is hereby REPRIMANDED.

**WARNING**

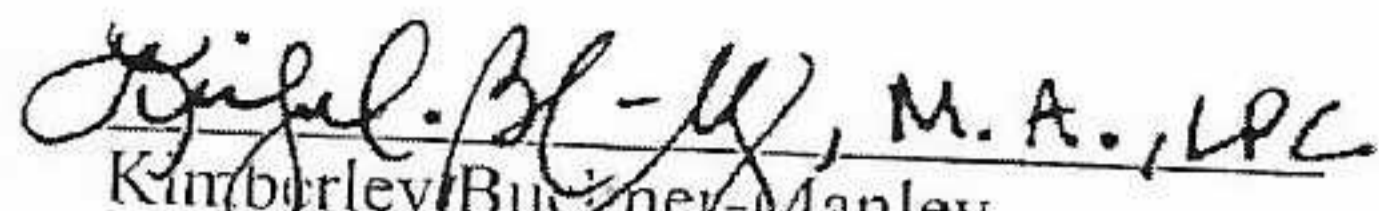
**RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.**

**WAIVERS**

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.

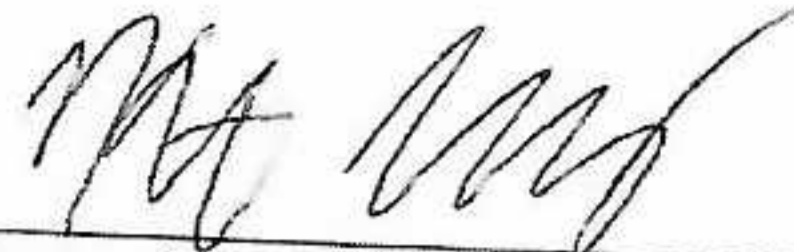
THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:

  
Kimberley Buckner-Manley  
Licensed Professional Counselor  
License Number 69916

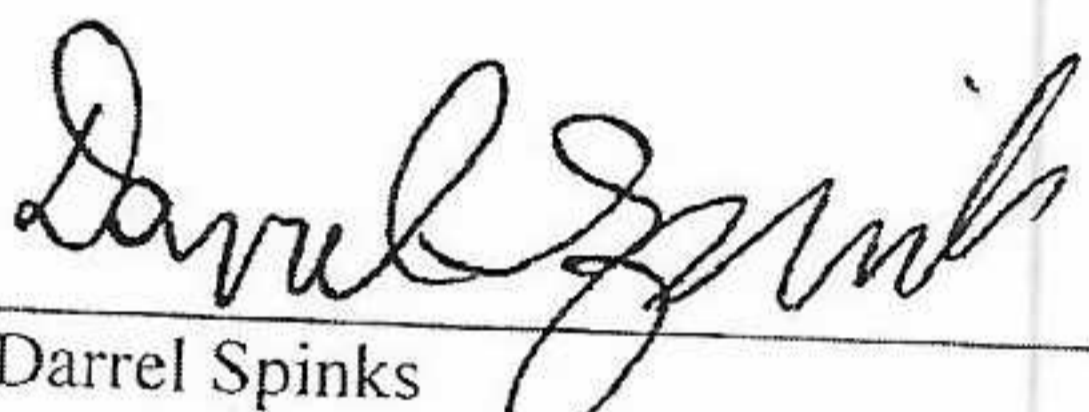
DATE SIGNED: 10/16/2023

FOR THE STAFF OF THE COUNCIL:

  
Kenneth Long  
Texas Bar No. 24078877  
Staff Attorney  
Texas Behavioral Health Executive Council  
1801 Congress Ave., Suite 7.300  
Austin, TX 78701

DATE SIGNED: 10/23/2023

APPROVED, RATIFIED, AND ENTERED THIS 23rd DAY OF October, 2023.

  
Darrel Spinks  
Executive Director  
Texas Behavioral Health Executive Council

T.D.H.E.C.  
17 SEP 14 PM 2:31

**COMPLAINT NO. 2023-00189 AND 2023-00541**

**IN THE MATTER OF**

§ **BEFORE THE TEXAS BEHAVIORAL**  
§ **HEALTH EXECUTIVE COUNCIL**  
§  
§ **THE TEXAS STATE BOARD**  
§ **OF EXAMINERS OF**  
§ **PROFESSIONAL COUNSELORS**

**MARCUS GOODWIN**

**AGREED ORDER**

Pursuant to its authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council ("Council") hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of Council, which have been approved and accepted by **MARCUS GOODWIN** ("Respondent") and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

**FINDINGS OF FACT**

1. Respondent is licensed as a professional counselor (#88715) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent was arrested for online solicitation of a minor under 14 years of age.

**CONCLUSIONS OF LAW**

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.
2. Violation of the Council's Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 507.301, and 507.351 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated 22 Tex. Admin. Code §§ 884.32(a), 681.41(l), 681.41(m), 681.42(b), 681.42(c), 681.164(a), 882.36, and 882.42(a).
4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

## ORDER

### **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

1. Respondent, by signing this Agreed Order, hereby voluntarily and permanently **RESIGNS** his or her license (#88715) in lieu of further adjudication by the Council on these matters.
2. Respondent shall return his or her license to the Council no later than fourteen (14) days after the date this order is ratified.
3. The Council will not consider an application for licensure from Respondent and Respondent agrees not to apply for any new license from the Council for ten (10) years from the effective date of this Order.
4. If Respondent seeks to apply for a license with the Council in the future, and the Council is willing to reinstate the license, Respondent will be subject to conditions of eligibility to be imposed by the Council at that time.

## WARNING

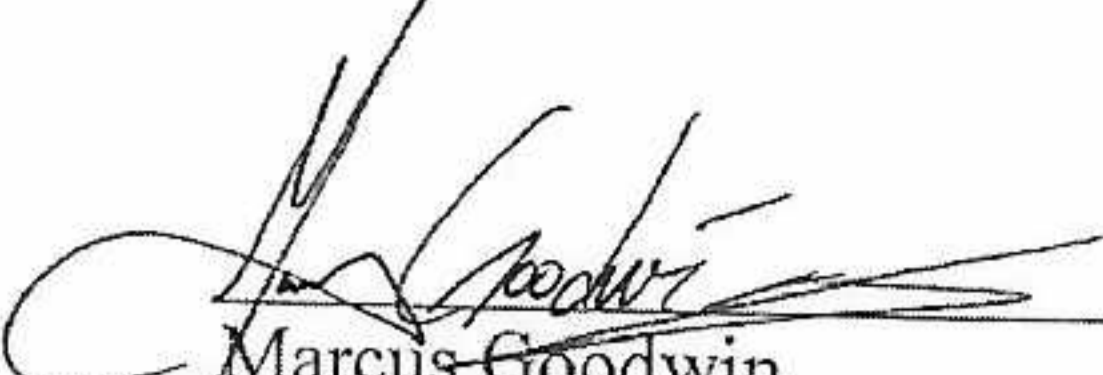
**RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.**

## WAIVERS

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.


THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:

  
\_\_\_\_\_  
Marcus Goodwin  
Licensed Professional Counselor  
License No. 88715


DATE SIGNED: 9/11/2023

FOR THE STAFF OF THE COUNCIL:

  
\_\_\_\_\_  
Kenneth Long  
Texas Bar No. 24078877  
Staff Attorney  
Texas Behavioral Health Executive Council  
1801 Congress Ave., Ste. 7.300  
Austin, Texas 78701

DATE SIGNED: 9/19/2023

APPROVED, RATIFIED, AND ENTERED THIS 20<sup>th</sup> DAY OF September, 2023.

  
\_\_\_\_\_  
Darrel Spinks  
Executive Director  
Texas Behavioral Health Executive Council

COMPLAINT NO. 2023-00376

IN THE MATTER OF

MICHAEL MARTINO

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BEFORE THE TEXAS BEHAVIORAL  
HEALTH EXECUTIVE COUNCIL

THE TEXAS STATE BOARD  
OF EXAMINERS OF  
PROFESSIONAL COUNSELORS

**AGREED ORDER**

Pursuant to its authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council (“Council”) hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of Council, which have been approved and accepted by **MICHAEL MARTINO** (“Respondent”) and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

**FINDINGS OF FACT**

1. Respondent is licensed as a Professional Counselor (#70109) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent practiced without a license from 11/30/2021 to 6/12/2023.

**CONCLUSIONS OF LAW**

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 34 and 41.
2. Violation of the Council’s Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 507.301, and 507.351 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated Council Rules 22 TAC §882.23(a) pertaining to License Required to Practice.
4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order,

Respondent does not admit the foregoing Findings of Fact or Conclusions of Law but agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

### ORDER

#### **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

1. Respondent's license is hereby REPRIMANDED.
2. Respondent is assessed and shall pay, within ninety (90) days of the date this order is ratified, an administrative penalty in the total amount of \$2,500.00; of which \$2,000.00 represents administrative costs and \$500.00 represents administrative penalty.

### WARNING


**RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.**

### WAIVERS

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.

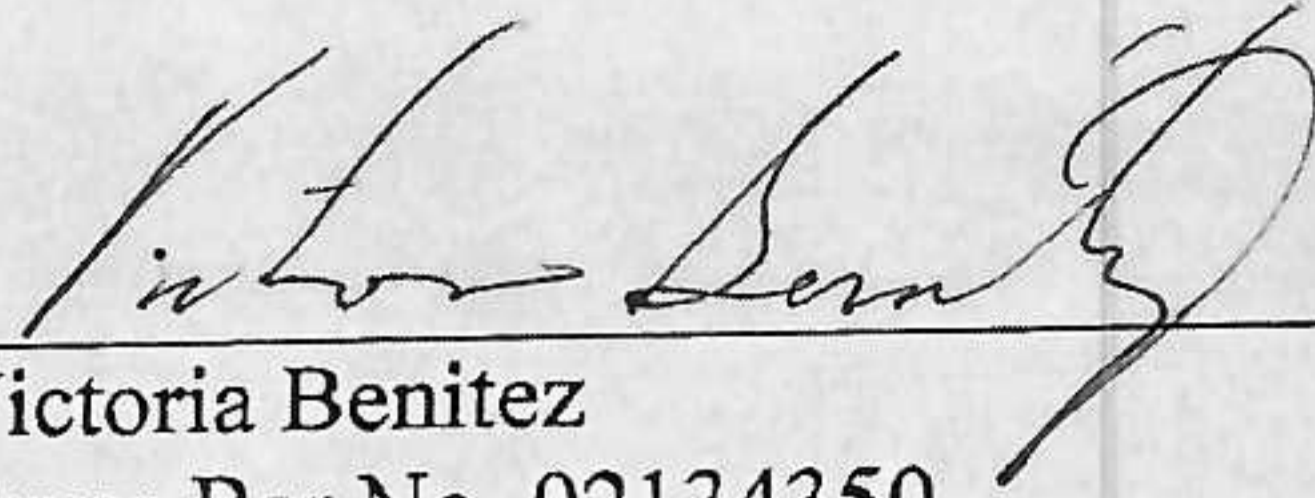
THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:

  
\_\_\_\_\_  
Michael A. Martino  
Licensed Professional Counselor  
#70109

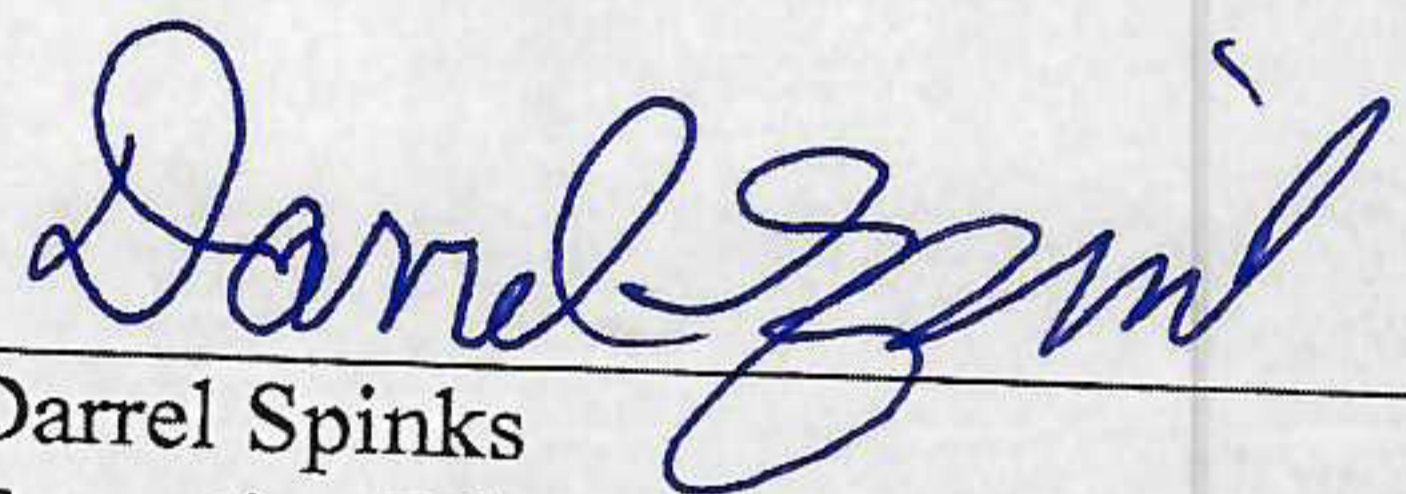
DATE SIGNED: 11.15.2023

FOR THE STAFF OF THE COUNCIL:

  
\_\_\_\_\_  
Victoria Benitez  
Texas Bar No. 02134350  
Staff Attorney  
Texas Behavioral Health Executive Council  
1801 Congress, Ste. 7.300

DATE SIGNED: 11-15-2023

APPROVED, RATIFIED, AND ENTERED THIS 20<sup>th</sup> DAY OF November, 2023.

  
\_\_\_\_\_  
Darrel Spinks  
Executive Director  
Texas Behavioral Health Executive Council



**COMPLAINT NO. 2023-00058**

**IN THE MATTER OF**

§ **BEFORE THE TEXAS BEHAVIORAL**  
§ **HEALTH EXECUTIVE COUNCIL**  
§  
§ **THE TEXAS STATE BOARD**  
§ **OF EXAMINERS OF**  
§ **PROFESSIONAL COUNSELORS**

**SENONA ORTIZ**

**AGREED ORDER**

Pursuant to its authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council (“Council”) hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of Council, which have been approved and accepted by **SENONA ORTIZ** (“Respondent”) and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

**FINDINGS OF FACT**

1. Respondent is licensed as a professional counselor (#70670) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent practiced professional counseling without an active license between August 2021 and September 2022.

**CONCLUSIONS OF LAW**

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.
2. Violation of the Council’s Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 507.301, and 507.351 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated 22 Tex. Admin. Code §§ 681.41(a), 882.21(a) and (c), 882.23(a), and Texas Occupations Code 503.301.

**ORDER**

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

1. Respondent's license is hereby REPRIMANDED.
2. Respondent is assessed and shall pay, within thirty (30) days of the date this order is ratified, an administrative penalty in the total amount of \$1,000.00; of which \$800.00 represents administrative costs and \$200.00 represents administrative penalty.
3. Respondent, within thirty (30) days of the date this order is ratified, shall complete and submit proof of completion of three (3) hours of professional development relating to general ethics. This professional development is in addition to the professional development hours required for license renewal. Respondent will pay all costs of the coursework.

**WARNING**

**RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.**

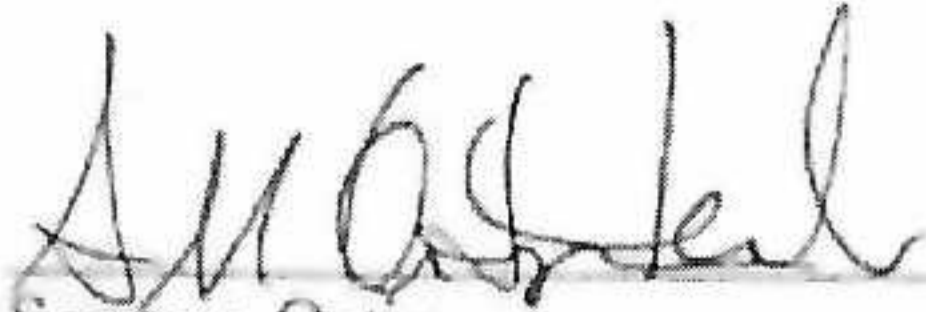
**WAIVERS**

On the underlying investigative file, Respondent has waived his or her right to an informal settlement conference, a formal hearing before an Administrative Law Judge at the State Office of Administrative Hearings (SOAH), and judicial review pursuant to Texas Government Code Chapter 2001, in exchange for the conditions set out in this Agreed Order.

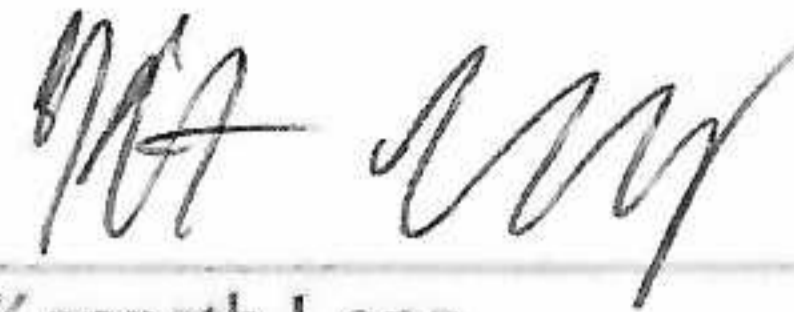
THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:

FOR THE STAFF OF THE COUNCIL:



Senona Ortiz  
Licensed Professional Counselor  
No. 70670



Kenneth Long  
Texas Bar No. 24078877  
Staff Attorney  
Texas Behavioral Health Executive Council  
1801 Congress Ave., Ste. 7.300  
Austin, Texas 78701

DATE SIGNED: 9/5/23

DATE SIGNED: 9/12/2023

APPROVED, RATIFIED, AND ENTERED THIS 12<sup>th</sup> DAY OF September, 2023



Darrel Spinks  
Executive Director  
Texas Behavioral Health Executive Council

**COMPLAINT NOS. 2023-00239 and 2023-00277**

**IN THE MATTER OF**

**TAMATHA HYDE**

§  
§  
§  
§  
§  
§

**BEFORE THE TEXAS BEHAVIORAL  
HEALTH EXECUTIVE COUNCIL**

**THE TEXAS STATE BOARD  
OF EXAMINERS OF  
PROFESSIONAL COUNSELORS**

**AGREED ORDER**

Pursuant to its authority under §507.305 of the Texas Occupations Code, §2001.056 of the Government Code, and 22 Texas Administrative Code §884.12(e), the Executive Director for the Texas Behavioral Health Executive Council (“Council”) hereby approves, ratifies, and enters this Agreed Order with the following Findings of Fact, Conclusions of Law, and Order of Council, which have been approved and accepted by TAMATHA HYDE (“Respondent”) and which constitutes a full settlement and compromise of the complaint(s) currently pending against Respondent before the Council in the above-referenced and numbered matter(s).

**FINDINGS OF FACT**

1. Respondent is licensed as a Profession Counselor (#16623) in the State of Texas and is, therefore, subject to the jurisdiction of the Council.
2. Respondent did practice without a valid license from November 20,2022 until March 4, 2023.
3. Respondent repeatedly crossed appropriate therapeutic boundaries with the Complainant, during and directly after the client concluded counseling.
4. The Complainant suffered harm from the Respondent’s crossing of therapeutic boundaries.

**CONCLUSIONS OF LAW**

1. Respondent voluntarily received a license from the Council and, therefore, is bound by the provisions of Chapters 503 and 507 of the Texas Occupations Code and the Rules of the Council, 22 Texas Administrative Code Parts 30 and 41.
2. Violation of the Council’s Rules is unprofessional conduct and constitutes grounds for the imposition of sanctions under §§503.401, 507.301, and 507.351 of the Texas Occupations Code.
3. Based on the above Findings of Fact, the Council finds that Respondent violated Council Rules 22 TAC §681.38(c) and (d) pertaining to Conflicts, Boundaries, Dual Relationships

and Termination of Relationship, 22 TAC §381.41(g) pertaining to General Ethical Requirements, and 22 TAC §882.21 (c) pertaining to License Status.

4. This Agreed Order is a Settlement Agreement under the Texas Rules of Evidence and is not admissible for the purposes of civil litigation. By entering into this Agreed Order, Respondent does not admit the foregoing Findings of Fact or Conclusions of Law, but agrees to resolve this matter to avoid the expense and uncertainty of further proceedings.

### **ORDER**

#### **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

1. Respondent's license is SUSPENDED for a period of five (5) years from the effective date of this order. However, the suspension shall be PROBATED, so long as Respondent complies with all state and federal statutes and regulations pertaining to the practice of Professional Counseling. Although the suspension and probated suspension ordered herein will result in Respondent's license being restricted, Respondent shall take all steps necessary to renew and maintain Respondent's license while this order is in effect. Respondent's license shall remain on restricted status until all terms of this order have been satisfactorily completed.
2. Except for the requirements listed in No. 3 below, Respondent shall have no further contact with the Complainant.
3. Pursuant to Texas Occupations Code §503.407, Respondent is assessed and shall pay, a complete refund of the Complainant's payments to the Respondent in the amount of twenty-two thousand eighty dollars (\$22,080) in lieu of an administrative penalty. This refund shall be paid according to the following schedule. The first payment of five thousand five hundred twenty dollars (\$5,520) shall be made within fifteen days of the ratification of this order. The second payment of five thousand five hundred twenty dollars (\$5,520) shall be made by January 31, 2024. The third payment of five thousand five hundred twenty dollars (\$5,520) shall be made by April 30, 2024, and the fourth payment of five thousand five hundred twenty dollars (\$5,520) shall be made by July 31, 2024. Each payment shall be forwarded by Respondent, or Respondent's attorney, to the Complainant, and Respondent must submit proof of each refund payment to the Council on the same day.
4. Respondent, within thirty (90) days of the date this order is ratified, shall complete and submit proof of completion of eight (8) hours of professional development relating to professional ethics, eight (8) hours of professional development relating to professional boundaries, and eight (8) hours of the appropriate use of technology in professional counseling. This professional development is in addition to the professional development hours required for license renewal. Respondent will pay all costs of the coursework.
5. Respondent shall be required to practice under the supervision of a practice monitor for a

period of five (5) years. Respondent shall, within fourteen (14) days of the date this order is ratified, submit to the Council or its designee for approval the name and qualifications of a Professional Counselor who has agreed to serve as a practice monitor. The practice monitor shall (1) be a Texas-licensed Professional Counselor Supervisor with no record of disciplinary actions; (2) have no business, professional, personal, or other relationship with Respondent that would interfere with the practice monitor's function or duties; and (3) possess specialized knowledge, education and experience in the same field of practice as that of Respondent.

Once approved, the practice monitor shall submit to the Council or its designee a monitoring contract and plan by which Respondent's practice shall be monitored for compliance with ethical and legal practice standards, as well as the terms of this Order. Monitoring shall consist of at least one (1) hour of individual face-to-face meetings every month. The Respondent shall provide the practice monitor with a copy of this Order and access to Respondent's records. Respondent shall execute a release authorizing the practice monitor to divulge any information the Council or its designee may request.

It shall be Respondent's responsibility to assure the practice monitor submits written reports to the Council or its designee on a quarterly basis verifying that monitoring has taken place and providing an evaluation of Respondent's performance. At the Council's discretion, if any of these reports provides sufficient concern, the Council may impose further monitoring requirements and/or take other appropriate actions to ensure the safety of the public.

In the event Respondent's monitor indicates that Respondent is fit to practice Professional Counseling but makes recommendations concerning reasonable steps Respondent must or should take to enhance or maintain Respondent's fitness to practice Professional Counseling, Respondent shall comply with any and all recommendations made by Respondent's monitor. If Respondent refuses or fails to follow the recommendations, Respondent agrees that Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review; pending further review of Respondent by the Council, or its designee.

If the monitor indicates there is sufficient concern or need to impose further requirements, restrictions, and/or take other appropriate actions to ensure the safety of the public the Council, or its designee, may do so at its own discretion. In the event Respondent refuses or fails to follow the additional requirements or restrictions imposed by the Council, or its designee, Respondent agrees that Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review; pending further review of Respondent by the Council, or its designee.

If the practice monitor cannot continue the monitoring engagement, Respondent shall get approval from the Council or its designee for a new practice monitor. If no new practice monitor is approved, Respondent shall not practice until a new practice monitor has been approved. If Respondent does not have at least one (1) hour of individual face-to-face

supervision every month Respondent's license shall be SUSPENDED, without further hearings, informal settlement procedures, or any right of appeal for judicial review, until supervision resumes, and the practice monitor submits a report attesting to Respondent's fitness to provide Professional Counseling services in a safe and competent manner. During any period of suspension, non-practice, or non-supervision by a practice monitor, the practice monitoring time period shall be tolled and shall not apply to the reduction of the required practice monitoring time period. Respondent shall pay all costs associated with this practice monitoring requirement. RESPONDENT AGREES THAT ANY FAILURE TO COMPLY WITH THE PRACTICE MONITORING REQUIREMENTS, OR ANY OTHER TERM IN THIS ORDER, SHALL CONSTITUTE IMMEDIATE GROUNDS FOR REVOCATION OF RESPONDENT'S LICENSE.

#### **WARNING**

**RESPONDENT'S FAILURE TO COMPLY WITH ONE OR MORE TERMS OF THIS ORDER MAY CONSTITUTE A VIOLATION OF 22 TEXAS ADMINISTRATIVE CODE §884.55 REQUIRING FURTHER DISCIPLINARY ACTION.**

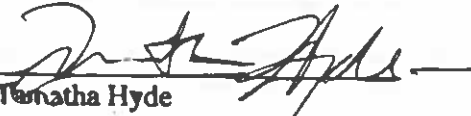
#### **WAIVERS**

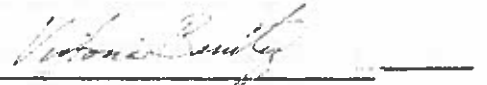
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THE RESPONDENT, BY SIGNING THIS ORDER, AGREES TO ITS TERMS, ACKNOWLEDGES UNDERSTANDING OF THE FORMAL NOTICES, FINDINGS OF FACT, AND CONCLUSIONS OF LAW SET FORTH HEREIN AND COVENANTS TO SATISFACTORILY COMPLY WITH THE MANDATES OF THIS ORDER IN A TIMELY MANNER. RESPONDENT FURTHER ACKNOWLEDGES AND AGREES THAT HE OR SHE HAS AGREED TO THIS ORDER UPON THE ADVICE AND CONSENT OF COUNSEL, OR THAT HE OR SHE HAS HAD THE OPPORTUNITY TO HAVE THIS ORDER REVIEWED BY COUNSEL OF HIS OR HER CHOICE.

FOR THE RESPONDENT:

FOR THE STAFF OF THE COUNCIL:

  
Tanatha Hyde  
LPC  
#16623

  
Victoria Benitez  
Staff Attorney  
State Bar No. 02134350  
Texas Behavioral Health Executive Council  
1801 Congress Ave., Suite 7.300  
Austin, Texas 78701

DATE SIGNED: 11/15/23

DATE SIGNED: 11-17-2023

APPROVED, RATIFIED, AND ENTERED THIS 20<sup>th</sup> DAY OF November, 2023.

  
Darrel Spinks  
Executive Director  
Texas Behavioral Health Executive Council



**1st QUARTER PERFORMANCE MEASURES  
FISCAL YEAR 2024**

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

by

**Texas Behavioral Health Executive  
Council**

  
\_\_\_\_\_  
Executive Director

December 29, 2023

  
\_\_\_\_\_  
Date

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2024 Target	2024 Actual	2024 YTD	Percent of Annual Target	Target Range
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**Output Measures**

1-1-1 LICENSING

1 # NEW LICENSEES ISSUED

<b>Quarter 1</b>	9,300.00	2,721.00	2,721.00	29.26 %	1,860.00 - 2,790.00
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2 # LICENSE RENEWALS

<b>Quarter 1</b>	29,000.00	8,740.00	8,740.00	30.14 % *	5,800.00 - 8,700.00
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY24 target for number of licenses renewed is 29,000, or 7,250 per quarter. During the first quarter of FY 24, the agency exceeded its target by renewing 8,740 licenses. As the agency's licensee population increases, the renewals will continue to increase.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

All license renewals are required to be submitted online and are approved automatically by the online licensing system, unless the licensee is under audit or the agency hasn't received the licensee's fingerprint criminal history results. Licensing staff have little control over how many licensees will choose to renew their license, and therefore how many renewals get processed. However, the agency believes this target will continue to be met or exceeded during the biennium.

2-1-1 ENFORCEMENT

1 COMPLAINTS RESOLVED

\* Varies by 5% or more from target.

Efficiency/Output Measures with Cover Page and Update Explanation  
 88th Regular Session, Performance Reporting  
 Automated Budget and Evaluation System of Texas (ABEST)

12/29/2023 12:34:34PM

Agency code: 510 Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2024 Target	2024 Actual	2024 YTD	Percent of Annual Target	Target Range
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**Output Measures**

1 COMPLAINTS RESOLVED

Quarter 1	610.00	119.00	119.00	19.51 % *	122.00 - 183.00
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY24 target for number of complaints resolved is 610, or 152 per quarter. During the first quarter of FY 24, the agency fell slightly short of its target by resolving 119 complaints.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The agency had 431 pending complaints at the end of this quarter but is projected to receive 600 complaints throughout the fiscal year. While the investigatory time and resources needed to resolve a complaint vary according to the nature and type of complaint received, the agency believes it can meet, or closely approach, this target assuming it is able to maintain full or near-full staffing levels.

2 COMPLAINTS PENDING

Quarter 1	500.00	431.00	431.00	86.20 % *	475.00 - 525.00
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY24 target for number of complaints pending is 500. During the first quarter of FY 24, the agency bested this measure by only having 431 complaints pending.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The agency had 431 pending complaints at the end of this quarter but is projected to receive 600 complaints throughout the fiscal year. While the investigatory time and resources needed to resolve a complaint vary according to the nature and type of complaint received, the agency believes that this target will continue to be met or beat assuming the Council is able to maintain full or near-full staffing levels.

\* Varies by 5% or more from target.

Agency code: 510

Agency name: Behavioral Health Executive Council

Type/Strategy/Measure	2024 Target	2024 Actual	2024 YTD	Percent of Annual Target	Target Range
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**Efficiency Measures**

1-1-1 LICENSING

1 AVG TIME TO PROCESS APP (DAYS)

Quarter 1	55.00	28.16	28.16	51.20 % *	52.25 - 57.75
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Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY24 target for the average time for license issuance is 55 days. In the first quarter of FY 24, the agency bested this measure by having an average license issuance time of only 29 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for license issuance for FY 23 was 36 days. This number has now decreased to 29 days, due to the dedication and efficiency of the licensing staff. The agency believes that this target will continue to be met or beat assuming the Council is able to maintain full or close-to-full staffing levels.

2-1-1 ENFORCEMENT

1 AVG TIME/COMPLAINT RESOLUTION

\* Varies by 5% or more from target.

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

Type/Strategy/Measure	2024 Target	2024 Actual	2024 YTD	Percent of Annual Target	Target Range
<b>Efficiency Measures</b>					
1 AVG TIME/COMPLAINT RESOLUTION					
Quarter 1	625.00	240.83	240.83	38.53 % *	593.75 - 656.25

Explanation of Variance: FACTORS CAUSING THE VARIANCE:

The FY24 target for the average time for complaint resolution is 625 days. In the first quarter of FY 24, the agency bested this measure by having an average processing resolution time of 241 days.

HOW THE AGENCY PLANS TO DEAL WITH THE VARIANCE:

The average time for complaint resolution for FY 23 was 303 days. This number has now decreased to 241 days, due to the dedication and efficiency of the enforcement and legal staff. The agency believes that this target will continue to be met or beat assuming the Council is able to maintain full or close-to-full staffing levels.

\* Varies by 5% or more from target.

**TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL**  
**1st QUARTER MEASURES**  
**FY 2024**

Number of Licenses Renewed (from ald12)

LSSP	444
LIC	641
LPA	88
LPC	3541
MFT	449
LBSW	439
LMSW	1517
LCSW	1604
AP	17

Total 8,740

Number of Licenses Issued (from ald11 and BO)

LPA	14
PLP	99
LIC	121
LSSP	18
LPCA	685
LPC	154
LPC Upgrade	419
MFTA	80
MFT	46
MFT Upgrade	38
LBSW	52
LMSW	545
LCSW	126
LMSW Upgrade	32
LCSW Upgrade	282
TEMP SW	10

Total 2,721

**TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL**  
**1st QUARTER MEASURES**  
**FY 2024**

Number of Complaints Resolved (from BO report)

LP/LPA	22
LSSP	1
LPC	56
MFT	7
SW	33
Total	119

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

1 <sup>st</sup> Qtr	72/119 =	61%
2 <sup>nd</sup> Qtr		
3 <sup>rd</sup> Qtr		
4 <sup>th</sup> Qtr		
YTD	72/119 =	61%

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

1 <sup>st</sup> Qtr	26/119 =	22%
2 <sup>nd</sup> Qtr		
3 <sup>rd</sup> Qtr		
4 <sup>th</sup> Qtr		
YTD	26/119 =	22%

Average Time for Complaint Resolution (from BO report)

1 <sup>st</sup> Qtr	28,659 days to resolve 119 complaints = 240.83 days	
2 <sup>nd</sup> Qtr		
3 <sup>rd</sup> Qtr		
4 <sup>th</sup> Qtr		
YTD	28,659 days to resolve 119 complaints =	240.83 days

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

1 <sup>st</sup> Qtr	72,229 days to process 2,565 applications =	28.16 days
2 <sup>nd</sup> Qtr		
3 <sup>rd</sup> Qtr		
4 <sup>th</sup> Qtr		
YTD	72,229 days to process 2,565 applications =	28.16 days

Calculations reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_

<b>LPA Initial</b>	<b>871 days to process 29 applications =</b>	<b>30.04</b>
LPA Final	2544 days to process 14 applications =	181.72
<b>LIC Initial</b>	<b>4591 days to process 109 applications =</b>	<b>42.12</b>
LIC Final	22633 days to process 120 applications =	188.61
<b>LSSP</b>	<b>675 days to process 18 applications =</b>	<b>37.50</b>
Temp LIC	157 days to process 20 applications =	7.85
<b>LPC Initial</b>	<b>8279 days to process 154 applications =</b>	<b>53.76</b>
<b>LPCA Initial</b>	<b>23400 days to process 685 applications =</b>	<b>34.16</b>
<b>LPC Upgrade</b>	<b>6809 days to process 419 applications =</b>	<b>16.25</b>
<b>MFT License</b>	<b>2462 days to process 46 applications =</b>	<b>53.53</b>
MFTA License	12493 days to process 80 applications =	156.17
<b>MFTA Upgrade</b>	<b>355 days to process 38 applications =</b>	<b>9.35</b>
<b>SW License</b>	<b>10460 days to process 554 applications =</b>	<b>18.88</b>
<b>SW OOS License</b>	<b>8245 days to process 169 applications =</b>	<b>48.79</b>
<b>SW Upgrade</b>	<b>5610 days to process 314 applications =</b>	<b>17.87</b>
<b>Temp SW License</b>	<b>315 days to process 10 applications =</b>	<b>31.50</b>

- Those in **BOLD** are the applications we have more control over (i.e. we are not waiting for them to take and pass a national exam).
- Highlighted MFTA License measure has been removed from those in **BOLD** effective FY24, as we no longer have any control over when these applicants take the MFT exam.



**TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL  
ANNUAL MEASURES  
FY 2024**

Number of Jurisdictional Complaints Received FY24 (from BO report)	142
Number of Complaints Pending (from BO report)	431
Closed	1
Investigation Completed	110
Under Investigation	320

Percent of Licensees With No Recent Violations

<i>Total</i>	<i>349 disciplinary actions</i>
<i>Less duplicates</i>	<i>-83 duplicates</i>
<i>Total unduplicated</i>	<i>266 disciplinary actions</i>

*Number of individuals (unduplicated) licensed as of 8/31/2023:*    77,429

$77,429 - 266 = 77,163$

$77,163/77,429 = 99.66\%$

Recidivism Rate

<i>Individuals with disciplinary actions FY 21 – FY 23</i>	<i>266</i>
<i>Individuals with 2 or more disciplinary actions</i>	<i>18</i>

$18/266 = 6.77\%$

Calculation Reviewed by: \_\_\_\_\_

Date: \_\_\_\_\_

<b>1st Quarter STATUS REPORT</b>	<b>1Q FY24 Sep 1, 2023 to Nov 30, 2023</b>	<b>4Q FY23 June 1, 2023 to Aug 31, 2023</b>	<b>3Q FY23 Mar 1, 2023 to May 31, 2023</b>	<b>2Q FY23 Dec 1, 2022 to Feb 28, 2023</b>
New Complaints Received	<b>143</b>	151	156	102
Pending Complaints	<b>431</b>	407	385	347
Pending Complaints per Member Board	TSBEP-195 TSBSWE-102 TSBEMFT-23 TSBEP-111	TSBEP-177 TSBSWE-103 TSBEMFT-21 TSBEP-106	TSBEP-153 TSBSWE-124 TSBEMFT-18 TSBEP-90	TSBEP-123 TSBSWE-144 TSBEMFT-18 TSBEP-62
Pending Priority 1 Complaints (Imminent Physical Harm & Sexual Misconduct)	<b>43</b> TSBEP-24 TSBSWE-5 TSBEMFT-2 TSBEP-12	46 TSBEP-28 TSBSWE-7 TSBEMFT-1 TSBEP-10	47 TSBEP-25 TSBSWE-13 TSBEMFT-0 TSBEP-9	35 TSBEP-18 TSBSWE-11 TSBEMFT-3 TSBEP-3
Agreed Orders Signed	<b>26</b>	25	31	29
Complaints Dismissed by Staff	<b>94</b>	105	87	140
Complaints Dismissed by member Boards	<b>0</b>	0	0	0
Total Complaints Resolved	<b>120</b>	130	118	169
Complaints Reviewed at an ISC	<b>48</b>	14	31	9
<b>Pending Cases by Fiscal Year</b>				
FY2019	<b>0</b>	0	1	2
FY2020	<b>5</b>	8	11	18
FY2021	<b>14</b>	17	32	37
FY2022	<b>50</b>	63	93	135
FY2023	<b>227</b>	319	248	155
FY2024	<b>135</b>	0	0	0
<b>Total</b>	<b>431</b>	407	385	347

<b>Complaints Dismissed</b>	<b>Classification</b>	<b>Reason for Dismissal</b>
2022-00346	Child Custody	Warning Letter
2023-00454	Standard of Care	Insufficient Evidence
2023-00437	Falsification of Official Documentation	Corrective Action Taken
2023-00515	Discrimination	Insufficient Evidence
2023-00235	Billing Dispute	Insufficient Evidence
2023-00408	Sexual Misconduct	Insufficient Evidence
2023-00488	Unprofessional Conduct	Insufficient Evidence
2023-00508	Advertising	Corrective Action Taken
2023-00492	Standard of Care	Insufficient Evidence
2023-00487	Standard of Care	Insufficient Evidence
2023-00464	Standard of Care	Insufficient Evidence
2023-00468	General Forensic	Conditional Precedent Not Met
2023-00388	Unlicensed Person	Corrective Action Taken
2023-00297	Standard of Care	Insufficient Evidence
2023-00433	General Forensic	Conditional Precedent Not Met
2023-00540	Court Ordered Therapy	Conditional Precedent Not Met
2023-00495	Confidentiality	Insufficient Evidence
2023-00389	Dual Relationship	Insufficient Evidence
2023-00410	Sexual Misconduct	Lack of Jurisdiction
2023-00484	Court Ordered Therapy	Conditional Precedent Not Met
2023-00333	Failure to Report	Insufficient Evidence
2023-00529	Court Ordered Therapy	Conditional Precedent Not Met
2023-00501	General Forensic	Conditional Precedent Not Met
2023-00176	Unprofessional Conduct	Lack of Jurisdiction
2023-00250	Record Keeping	Warning Letter
2023-00404	Sexual Misconduct	Insufficient Evidence
2023-00115	Sexual Misconduct	Warning Letter
2023-00522	Billing Dispute	Insufficient Evidence
2024-00006	Confidentiality	Insufficient Evidence
2023-00407	Confidentiality	Insufficient Evidence
2023-00370	Confidentiality	Insufficient Evidence
2023-00395	Dual Relationship	Insufficient Evidence
2023-00473	Standard of Care	Insufficient Evidence
2024-00033	Dual Relationship	Insufficient Evidence
2024-00018	Sexual Misconduct	Lack of Jurisdiction
2024-00001	Standard of Care	Insufficient Evidence
2023-00549	Billing Dispute	Insufficient Evidence
2023-00425	Billing Dispute	Insufficient Evidence
2024-00013	Record Keeping	Insufficient Evidence
2023-00309	Record Keeping	Insufficient Evidence
2023-00327	Confidentiality	Warning Letter
2023-00322	Record Keeping	Warning Letter
2023-00313	Confidentiality	Insufficient Evidence
2023-00474	Standard of Care	Insufficient Evidence

2023-00340	Sexual Misconduct	Insufficient Evidence
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## **Children’s Mental Health Strategic Plan (CMHSP) Subcommittee Update – January 2024**

The CMHSP subcommittee has made progress in the following areas:

- Completed Mission/Vision/Guiding Principles
- Editing overall outline of the report for the Governor’s Office, including:
  - general structure
  - service definitions
  - general terms definitions
- Scheduled presentation series for January/February 2024

Additional items are listed on the timeline to give an idea of what to expect from the subcommittee:

<b>Critical Work Timeline</b>	
Finalize vision, mission, and guiding principles.	Sep – Nov 2023
Review and comment on plan outline, service definitions, and general terms.	Nov – Dec 2023
Assemble information on array of services through presentation series.	Dec 2023 – Feb 2024
Develop goals and recommendations. Define continuum of care. Identify available services and gaps.	Jan – Apr 2024
Complete the draft plan.	May – Jun 2024
Submit the draft plan for review, revision, and approval.	Jul – Nov 2024
Submit the plan to the LBB and Governor’s Office.	Dec 1, 2024

Next subcommittee meeting is January 17, 2024

Rule: 681.72. Required Application Materials

Action: Proposed Amendment

Comment: The proposed amendment deletes the requirement that an applicant must receive a passing score on either the NCE or NCMHCE within 5 years of the date of application. The licensure exams for other types of behavioral health licensees, such as psychologists and marriage and family therapists, do not have a time limit or expiration for their examination scores. Therefore this 5 year expiration for a passing scores is being proposed to be deleted.

681.72. Required Application Materials

(a) To apply for LPC Associate, the applicant must submit:

- (1) the Council's application form;
- (2) all applicable fees;
- (3) official examination results from the National Board of Certified Counselors verifying a passing score on the National Counselor Exam (NCE) or National Clinical Mental Health Counselor Exam (NCMHCE) ~~issued no more than five (5) years before the date the application was received;~~
- (4) completion certificate for the Texas jurisprudence exam dated no more than six months before the date the application was received;
- (5) an official graduate transcript(s);
- (6) a practicum/graduate intern documentation form;
- (7) a supervisory agreement form; and
- (8) The holder of a current license in good standing issued by another jurisdiction equivalent to the Texas LPC Associate license must submit official verification of his or her license, including official verification of any supervised experience recognized by the issuing jurisdiction. If supervised experience cannot be verified by the issuing jurisdiction, the Council may consider a supervised experience documentation form with verification of the supervisor's credentials.

(b) To apply for LPC as the holder of a current Texas LPC Associate license, the applicant must submit:

- (1) the Council's application form;
  - (2) all applicable fees;
  - (3) completion certificate for the jurisprudence exam dated no more than six months before the date the application for LPC was received;
  - (4) the Council's supervised experience documentation form; and
  - (5) other information or forms as requested by the Council.
- (c) To apply for LPC as the holder of a current license equivalent to a Texas LPC license issued by another jurisdiction, the applicant's license must be in good standing and must submit:
- (1) all of the items listed in subsection (a)(1)-(5) of this section;
  - (2) official verification of the license, including official verification of any supervised experience recognized by the issuing jurisdiction; and
  - (3) other information or forms as requested by the Council.
  - ~~(4) The five-year expiration of the NCE or NCMHCE score does not apply to an applicant who has held a license issued by a United States jurisdiction in good standing for at least two (2) years before the date the application for LPC was received.~~
- (d) To apply for supervisor status, an LPC must:
- (1) have held the LPC license in good standing for at least 60 months;
  - (2) submit an application and all applicable fees; and
  - (3) submit a completion certificate for an acceptable supervisor training. An acceptable supervisor training is:
    - (A) a doctoral level course in the supervision of professional counseling or mental health services which was taken for credit at an accredited school and documented on an official transcript; the qualifying doctoral level course may have been completed no more than five (5) years before the date the application for supervisor status was received; or

- (B) a 40-clock-hour supervision course as set forth in §681.147 of this title (relating to 40-ClockHour Supervisor Training Course); the qualifying 40-clock-hour supervision course may have been completed no more than two (2) years before the date the application for supervisor status was received.
- (e) An applicant who holds a current LPC license in good standing issued by another jurisdiction must be substantially equivalent to Texas licensure requirements.

DRAFT



## **13. Board Chair Report – February 2, 2024**

### **1. Congratulations and Welcome!**

Governor Abbott has reappointed **Janie Stubblefield, Pastor Roy Smith** and **Steven Hallbauer** to the LPC Board for terms to expire February 1, 2029. **Jennifer (Jenn) Winston** was appointed to replace Mr. Garrett Nerren for a term to expire February 1, 2025.

### **2. BHEC Meeting – October 24, 2023**

- Addition of Ph.D. credentials to licenses approved by the Council.
- Approved rule change to 681.72 (Required application materials) removing the 5-year deadline following licensing exams.
- Moving forward on rule change amending TAC 882.23 so the location of the client (i.e. the person receiving services) is the defining element for determining when a regulated professional practice is being conducted in Texas. **Essentially, the rule clarifies that a Texas license is required when services are delivered to an individual that is located in Texas.** The change is up for adoption at the next BHEC meeting.
- Next BHEC meeting is Tuesday, February 20, 2024.

### **3. American Association of State Counseling Boards (AASCB) Annual Conference**

Thank you to **Dr. Lia Amuna** and Board Administrator **Cristina De Luna** for representing Texas.

### **4. Stakeholder Engagement**

- Board Administrator **Cristina De Luna**, BHEC Executive Director **Darrel Spinks** Board Chair **Steven Hallbauer** joined the inaugural *Association for Mental Health Professionals Conference* on October 19 in Richardson.
- Board members **Dr. Christopher Taylor, Dr. Loretta Bradley** and **Vanessa Hall**, along with Board Administrator **Cristina De Luna** conducted a panel discussion on November 2 at the TCA Professional Growth Conference in Houston.

- **Steven Hallbauer** and TACES President Mario de la Garza met for lunch in December.
- **Dr. Lia Amuna** and Board Administrator **Cristina De Luna** attended the AASCB Annual Conference in Tucson, Arizona on January 7-9.
- **Steven Hallbauer** spoke at a meeting of the Dallas Chapter of the Christian Counselors of Texas on January 12.

**5. Upcoming Events, including stakeholder events and activities**

- **TCA Professional School Counselor Conference:** February 4-6
- **BHEC Meeting:** February 20
- **Texas Assoc. of Counselor Education & Supervision (TACES):** February 22-23
- **Christian Counselors of Texas Annual Conference:** February 22-24  
     - **Dr. Christopher Taylor** presenting ethics workshop
- **Texas Mental Health Counseling Association (TMHCA):** April 27
- **LPC Board Meeting:** June 7