



TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS

Steven Christopherson, LPC
Board Chair

Cristina De Luna
Executive Director

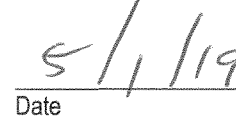
Mail Code 1982
PO. Box 149347
Austin, Texas 78714-9347
(512) 834-6657
FAX (512) 834-6677
lpc@dshs.state.tx.us

Sarah Abraham, Public Member
Loretta J. Bradley, LPC-S
Brenda S. Compagnone, LPC-S
Steven Hallbauer, Public Member
Leslie Pohl, Public Member
Roy Smith, Public Member
Carolyn J. Stubblefield, LPC-S
Christopher S. Taylor, LPC-S

Schedule of Sanctions with Aggravating and Mitigating Factors Policy

The Texas State Board of Examiners of Professional Counselors (board) adopts this Schedule of Sanctions Policy — also known as Penalty Matrix — attached below to align with rules adopted on November 14, 2018. This policy becomes effective on the date rules adopted on November 14, 2018 become effective.


Steven Christopherson, Chair


Date

Penalty Matrix

Per board rules, found in Title 22 of the Texas Administrative Code, §681.161, regarding Complaint Procedures, the Complaint Review Team (team) determines

1. the timeliness and nature of the allegations in a complaint,
2. if the board has jurisdiction over a complaint, and
3. if a violation of the Act or board rules occurred.

If the team finds sufficient evidence to demonstrate a violation of the Act or board rules occurred, the team directs staff to issue a warning letter, conditional letter of agreement, or notice of violation proposing the action prescribed in this penalty matrix after consideration of any aggravating and mitigating factors. The team may propose a more severe action than the action listed in this penalty matrix based on an aggravating factor and a less severe action based on a mitigating factor.

Non-disciplinary Actions

- Warning Letter
- Conditional Letter of Agreement

Disciplinary Actions

(reported to National Practitioner Data Bank and posted to the board's Enforcement Actions webpage)

- Level 5 Reprimand
- Level 4 Probated Suspension
- Level 2/3 Suspension
- Level 1 Revocation
- Administrative Penalty

TSBEPC Penalty Matrix
Complaint #

§681.41 (a)	A licensee must not make any false, misleading, deceptive, fraudulent or exaggerated claim or statement about the licensee's services, including, but not limited to:	L5
	1 the effectiveness of services;	L5
	2 the licensee's qualifications, capabilities, background, training, experience, education, professional affiliations, fees, products, or publications; or	L5
	3 the practice or field of counseling.	L5
§681.41 (b)	A licensee must not make any false, misleading, deceptive, fraudulent or exaggerated claim or statement about the services of a mental health organization or agency, including, but not limited to, the effectiveness of services, qualifications, or products.	L5
§681.41 (c)	A licensee must discourage a client from holding exaggerated or false ideas about the licensee's professional services, including, but not limited to, the effectiveness of the services, practice, qualifications, associations, or activities. If a licensee learns of exaggerated or false ideas held by a client or other person, the licensee shall take immediate and reasonable action to correct the ideas held.	WL
§681.41 (d)	A licensee must make reasonable efforts to discourage others whom the licensee does not control from making misrepresentations; exaggerated or false claims; or false, deceptive, or fraudulent statements about the licensee's practice, services, qualifications, associations, or activities. If a licensee learns of a misrepresentation; exaggerated or false claim; or false, deceptive, or fraudulent statement made by another, the licensee must take immediate and reasonable action to correct the statement.	WL
§681.41 (e)	Regardless of setting, a licensee shall provide counseling only in the context of a professional relationship. Prior to providing services a licensee shall obtain from an individual a signed informed consent, signed written receipt of information, or in the case of involuntary treatment a copy of the appropriate court order, including the following:	L4
	1 fees and arrangements for payment;	L4
	2 counseling purposes, goals, and techniques;	L4
	3 any restrictions placed on the license by the board;	L4
	4 the limits on confidentiality;	L4
	5 any intent of the licensee to use another individual to provide counseling treatment intervention to the client; and	L4
	6 supervision of the licensee by another licensed health care professional including the name, address, contact information and qualifications of the supervisor;	L4
	7 the name, address and telephone number of the board for the purpose of reporting violations of the Act or this chapter; and	L4
	8 the established plan for the custody and control of the client's mental health records in the event of the licensee's death or incapacity, or the termination of the licensee's counseling practice.	L4
§681.41 (f)	A licensee must inform the client in writing of any changes to the items in subsection (e) of this section prior to initiating the change.	L4
§681.41 (g)	Technological means of communication may be used to facilitate the therapeutic counseling process.	NYA
§681.41 (h)	In accordance with the provisions of the Act, §503.401(a)(4), a licensee must not intentionally or knowingly offer to pay or agree to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, corporation, or entity for securing or soliciting clients or patronage.	L3 + AP
§681.41 (i)	A licensee employed or under contract with a chemical dependency facility or a mental health facility must comply with the requirements in the Texas Health and Safety Code, §164.006, relating to soliciting and contracting with certain referral sources. Compliance with the Treatment Facilities Marketing Practices Act, Texas Health and Safety Code Chapter 164, must not be considered as a violation of state law relating to illegal remuneration.	L3 + AP
§681.41 (j)	A licensee must not engage in activities for the licensee's personal gain at the expense of a client.	L4 + AP
§681.41 (k)	A licensee may promote the licensee's personal or business activities to a client if such activities, services or products are to facilitate the counseling process or help achieve the client's counseling goals. Prior to engaging in any such activities, services or product sales with the client, the licensee must first inform the client of the licensee's personal and/or business interest therein. A licensee must not exert undue influence in promoting such activities, services or products.	L4
§681.41 (l)	A licensee must set and maintain professional boundaries.	L4

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§681.41 (m)	Except as provided by this subchapter, non-therapeutic relationships with clients are prohibited.	L4
2	A licensee may engage in a non-therapeutic relationship with a client if the relationship begins more than two years after the end of the counseling relationship and the non-therapeutic relationship is consensual, not the result of exploitation by the licensee, and is not detrimental to the client.	L4
3	A licensee may engage in sexual contact with a client if the contact begins more than five years after the end of the counseling relationship and the non-therapeutic relationship is consensual, not the result of exploitation by the licensee, and is not detrimental to the client.	L1
5	The licensee shall not provide counseling services to previous or current: (A) family members; (B) personal friends; (C) educational associates; or (D) business associates.	L5
6	The licensee shall not give or accept a gift from a client or a relative of a client valued at more than \$50, or borrow or lend money or items of value to clients or relatives of clients or accept payment in the form of goods or services rendered by a client or relative of a client.	L5
7	The licensee shall not enter into a non-professional relationship with a client's family member or any person having a personal or professional relationship with a client, if the licensee knows or reasonably should have known such a relationship could be detrimental to the client.	L4
§681.41 (n)	The licensee must not knowingly offer or provide counseling to an individual concurrently receiving counseling treatment intervention from another mental health services provider except with that provider's knowledge. If a licensee learns of such concurrent therapy, the licensee must request release from the client to inform the other professional and strive to establish positive and collaborative professional relationships.	L5
§681.41 (o)	A licensee may take reasonable action to inform medical or law enforcement personnel if the licensee determines there is a probability of imminent physical injury by the client to the client or others or there is a probability of immediate mental or emotional injury to the client.	not viol ata ble
§681.41 (p)	The licensee must take reasonable precautions to protect clients from physical or emotional harm resulting from interaction:	CLA
§681.41 (q)	For each client, a licensee must keep accurate records of:	CLA
1	signed informed consent, signed written receipt of information, or in the case of involuntary treatment a copy of the appropriate court order	L4
2	intake assessment;	CLA
3	dates of counseling treatment intervention;	CLA
4	principal treatment methods;	CLA
5	progress notes;	CLA
6	treatment plan; and	CLA
7	billing information.	CLA
§681.41 (r)	Records held by a licensee must be kept for a minimum of six (6) years from the date of the last contact with the client.	L5
§681.41 (t)	Billing Requirements.	
1	A licensee must bill clients or third parties for only those services actually rendered or as agreed to by mutual understanding at the beginning of services or as later modified by mutual written agreement.	L5
2	Relationships between a licensee and any other person used by the licensee to provide services to a client must be so reflected on billing documents.	CLA
3	Pursuant to Texas Health and Safety Code, Chapter 611 on the written request of a client, a client's guardian, or a client's parent (sole managing, joint managing or possessory conservator) if the client is a minor, a licensee must provide, in plain language, a written explanation of the types of treatment and charges for counseling treatment intervention previously made on a bill or statement for the client. This requirement applies even if the charges are to be paid by a third party.	WL
4	A licensee may not knowingly overcharge a client.	L4
5	With the exception of an unkept appointment, a licensee may not submit to a client or a third party payor a bill for counseling treatment intervention the licensee knows or should know is improper, unreasonable, or unnecessary.	L4

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§681.41 (u)	A licensee must comply with all requirements of Texas Health and Safety Code Chapters 611 and 181 concerning the release of mental health records and confidential information.	L4
§681.41 (v)	Prior to the commencement of counseling services to a minor client who is named in a custody agreement or court order, a licensee must obtain and review a current copy of the custody agreement or court order as well as any applicable part of the divorce decree. A licensee must maintain these documents in the client's record and abide by the documents at all times. When federal or state statutes provide an exemption to secure consent of a parent or guardian prior to providing services to a minor, a licensee must follow the protocol set forth in such federal or state statutes.	L5
§681.41 (w)	A licensee must terminate a professional counseling relationship when it is reasonably clear the client is not benefiting from the relationship.	L4
§681.41 (x)	Upon termination of a relationship if professional counseling is still necessary, the licensee must take reasonable steps to facilitate the transfer to appropriate care.	L5
§681.41 (y)	A licensee must not evaluate any individual's mental, emotional, or behavioral condition unless the licensee has personally interviewed the individual or the licensee discloses in the evaluation the licensee has not personally interviewed the individual.	L4
§681.41 (z)	A licensee must not knowingly overtreat a client.	L4
§681.41 (bb)	A licensee or an applicant for licensure must not participate in any way in the falsification of applications for licensure or renewal of license.	L1
§681.41 (aa)	A licensee must not aid or abet the unlicensed practice of professional counseling by a person required to be licensed under the Act.	L1
§681.42 (b)	A licensee shall not engage in sexual contact with or sexual exploitation of a person who is:	
	1 a client as defined in §681.2(6) of this title (relating to Definitions);	L1
	2 an LPC Intern supervised by the licensee; or	L1
	3 a student of a licensee at an educational institution at which the licensee provides professional or educational services.	L1
§681.42 (c)	A licensee shall not practice therapeutic deception of a person who is a client as defined in §681.2(7) of this title (relating to Definitions).	L1
§681.42 (g)	A licensee shall report sexual misconduct as follows.	
	1 If a licensee has reasonable cause to suspect that a client has been the victim of sexual exploitation, sexual contact, or therapeutic deception by another licensee or a mental health provider, or if a client alleges sexual exploitation, sexual contact, or therapeutic deception by another licensee or a mental health services provider, the licensee shall report the alleged conduct not later than the third business day after the date the licensee became aware of the conduct or the allegations to:	
	(A) the prosecuting attorney in the county in which the alleged sexual exploitation, sexual contact or therapeutic deception occurred;	L5 [ST ATU TE 81. 006
	(B) the board if the conduct involves a licensee and any other state licensing agency which licenses the mental health provider; and	L5
	(C) to the appropriate agency listed in §681.45 of this title (relating to Confidentiality and Required Reporting).	L5
	2 Before making a report under this subsection, the reporter shall inform the alleged victim of the reporter's duty to report and shall determine if the alleged victim wants to remain anonymous.	L5
§681.43 (a)	Prior to or following the administration of any test, a licensee shall make known to clients the purposes and explicit use to be made of the test as a part of a professional counseling relationship.	WL
§681.43 (b)	A licensee shall not appropriate, reproduce, or modify copyrighted tests or any parts thereof without the acknowledgment and permission of the copyright owner.	NYA
§681.43 (c)	A licensee shall not administer any test without the appropriate training and experience to administer and interpret the test.	L4
§681.43 (d)	A licensee must observe the necessary precautions to maintain the security of any test administered by the licensee or under the licensee's supervision.	NYA
§681.43 (e)	In accordance with the Act, the use of standardized projective techniques is prohibited. This prohibition includes, but is not limited to, the Rorschach Inkblot Test, the Holtzman Inkblot Test, the Thematic Apperception Test, the Children's Apperception Test, and the Senior Apperception Test.	NYA

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§681.44	A licensee shall not:	
1	use alcohol or drugs in a manner that adversely affects the licensee's ability to provide counseling;	L3
2	use illegal drugs of any kind; or	NYA
3	promote, encourage, or concur in the illegal use or possession of alcohol or drugs.	L1
§681.45 (a)	Communication between a licensee and client and the client's records, however created or stored, are confidential under the provisions of the Texas Health and Safety Code, Chapter 611 and other state or federal statutes or rules where such statutes or rules apply to a licensee's practice.	not violatable
§681.45 (b)	A licensee shall not disclose any communication, record, or identity of a client except as provided in Texas Health and Safety Code, Chapter 611 or other state or federal statutes or rules.	L4
§681.45 (c)	A licensee shall comply with Texas Health and Safety Code, Chapters 181 and 611, concerning access to mental health records and confidential information.	L4
§681.45 (d)	A licensee shall report information if required by the following statutes:	
1	Texas Family Code, Chapter 261, concerning abuse or neglect of minors;	L4
2	Texas Human Resources Code, Chapter 48, concerning abuse, neglect, or exploitation of elderly or disabled persons;	L4
3	Texas Health and Safety Code, Chapter 161, Subchapter K, §161.131 et seq., concerning abuse, neglect, and illegal, unprofessional, or unethical conduct in an in-patient mental health facility, a chemical dependency treatment facility or a hospital providing comprehensive medical rehabilitation services; and	L4
4	Texas Civil Practice and Remedies Code, §81.006, concerning sexual exploitation by a mental health provider.	L4
5	A licensee shall comply with Occupations Code, Chapter 109, relating to the release and exchange of information concerning the treatment of a sex offender.	L4
§681.45 (e)	A licensee shall make written reports to the board office within 30 days of the following:	
1	an arrest of the licensee, other than for a Class C misdemeanor traffic offense;	L5
2	the filing of a criminal case against the licensee;	L5
3	a criminal conviction of the licensee other than for a Class C misdemeanor traffic offense; or	L5
4	the filing of a disciplinary action or the taking of a disciplinary action against the licensee by another state licensing board, in either Texas or another state, or by a professional organization.	L5
§681.46 (b)	A licensee shall have the responsibility of reporting alleged violations of the Act or this chapter to the board.	WL
§681.46 (c)	The licensee shall report name changes, any changes in home or business address or phone number, employment setting, or other relevant changes to the board in writing within 30 days of the change.	CLA
§681.46 (d)	A licensee shall cooperate with the board by furnishing documents or information and by responding to a request for information from or a subpoena issued by the board or its authorized representative.	L5
§681.46 (e)	A licensee shall comply with any order issued by the board relating to the licensee.	L1
§681.46 (f)	A licensee shall not interfere with a board investigation by the willful misrepresentation of facts to the board or its authorized representative or by the use of threats or harassment against any person.	L1
§681.46 (g)	A licensee who files a complaint with the board in bad faith is subject to disciplinary action.	L1
§681.47 (b)	An assumed or trade name used by a licensee shall not be false, deceptive, or misleading, as those terms are described in §681.49(b) of this title (relating to Advertising and Announcements).	WL
§681.48 (a)	A licensee shall inform each client of the name, address, and telephone number of the board for the purpose of reporting violations of the Act or this chapter.	L4
1	on each application or written contract for services; or	L4
2	on a sign prominently displayed in the primary place of business; or	L4
3	on a bill for counseling provided to a client.	L4

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§681.48 (b)	A licensee shall display the license certificate and current renewal card issued by the board in a prominent place in the primary location of practice.	WL
§681.48 (c)	The legal name of the licensee shall appear on the license certificate and renewal card. Licensees shall include their license number on all marketing and client resource materials if they do not use their legal name in their practice.	WL
§681.48 (d)	A licensee shall not display a license certificate or current renewal card issued by the board which has been reproduced or is expired, suspended, or revoked.	CLA
§681.48 (e)	A licensee shall not make any alteration on a license certificate or renewal card issued by the board.	L2
§681.48 (f)	On all advertisements, billings and announcements of counseling treatment by an LPC Intern, the intern's name shall be followed by the name of the supervisor in the same type size and font.	L5
§681.49 (a)	Information used by a licensee in any advertisement or announcement shall not contain information which is false, inaccurate, misleading, incomplete, out of context, deceptive or not readily verifiable. Advertising includes, but is not limited to, any announcement of services, letterhead, business cards, commercial products, and billing statements.	L5
§681.49 (c)	A licensee who retains or hires others to advertise or promote the licensee's practice remains responsible for the statements and representations.	[no t viol ata ble]
§681.49 (d)	The highest academic degree earned from an accredited college or university in counseling or a counseling-related field as reported by the American Association of Collegiate Registrars and Admissions Officers may be used when advertising or announcing counseling treatment intervention to the public or in counseling-related professional representations. A degree received at a foreign university may be used if the degree could be accepted as a transfer degree by accredited universities as reported by the American Association of Collegiate Registrars and Admissions Officers.	L5
§681.49 (e)	Notwithstanding the foregoing, a licensee may advertise or announce his or her other degrees from accredited colleges or universities if the subject of the degree is specified.	L5
§681.49 (g)	All advertisements or announcements of counseling including telephone directory listings by a person licensed by the board shall clearly state the licensee's licensure status by the use of a title such as "Licensed Counselor", or "Licensed Professional Counselor", or "LPC", or a statement such as "licensed by the Texas State Board of Examiners of Professional Counselors."	WL
§681.49 (h)	LPC Interns holding a temporary license shall indicate intern status on all advertisements, billing, and announcements of counseling treatment by the use of the term "LPC Intern." On all advertisements, billings and announcements of counseling treatment by an LPC Intern, the intern's name shall be followed by the name of the supervisor in the same type size and font.	L5
§681.49 (i)	A licensee is required to hold the art therapy specialty designation in order to use the title "art therapist" or the initials "AT." A licensee who does not hold the designation may use art therapy as a counseling method but may not use the title or initials.	WL
§681.49 (j)	A licensed professional counselor who is a board-approved supervisor may use the designation "LPC-S" when advertising their supervisory status.	[no t viol ata ble]
§681.50 (a)	In research with a human participant, a licensee shall take reasonable precautions to ensure that the participant does not suffer emotional or physical harm.	NYA
§681.50 (b)	A licensee shall ensure the full protection of a client's identity when using data obtained from a professional counseling relationship for the purposes of education or research.	NYA
§681.50 (c)	When conducting or reporting research, a licensee must give recognition to previous work on the topic as well as observe all copyright laws.	NYA
§681.50 (d)	A licensee must give due credit through joint authorship, acknowledgment, footnote statements, or other appropriate means to the person/persons who have contributed significantly to the licensee's research or publication.	NYA

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§681.51 (c)	The board may deny a license or specialty recognition if it substantiates the applicant lacks the necessary skills and abilities to provide adequate counseling, the applicant has misrepresented any materials submitted to the board, or violated any provision of the Act or board rule.	L1
§681.91 (d)	An LPC Intern may practice counseling only as part of his or her internship and only under the supervision of a Licensed Professional Counselor Supervisor (LPC-S). The LPC Intern may not own an independent professional counseling practice.	L1
§681.91 (j)	An LPC Intern does not own client records; they are the property of the agency or organization.	[not violatable]
§681.91 (l)	An LPC Intern must not accept direct payment for services from a client.	L4
§681.93 (c)(2)	The supervisor may not be an employee of his or her LPC Intern.	L5
§681.93 (d)	A supervisor shall keep a written record of each supervisory session in the file of the intern.	
	1 The supervisory written record shall contain:	
	(G) current board approved site or sites.	CLA
	(A) fees and record of payment;	CLA
	(B) the date and length of each supervisory session;	CLA
	(C) the topics that were discussed during each supervisory session;	CLA
	(D) identification of each supervisory session as an individual or a group session and interns who are in attendance;	CLA
	(E) identification of each supervisory session as being conducted face-to-face or by live internet webcam;	CLA
	(F) a record of any concerns the supervisor discussed with the intern; and	CLA
	2 Records shall be kept 5 years past the last date of supervision.	CLA
§681.93 (e)	The supervisor must maintain a summary log of the indirect, direct, and supervision hours accrued by an intern in each week and a brief summary of the supervisory session. This log must be dated and initialed by both the supervisor and the intern.	CLA
§681.93 (f)	The full professional responsibility for the counseling activities of an LPC Intern shall rest with the intern's board approved supervisor(s). If the LPC Intern receives disciplinary action by the board, the supervisor may also be subject to disciplinary action.	
	2 A relationship between the supervisor and the LPC Intern that impairs the supervisor's objective, professional judgment shall be avoided.	L5
	3 A supervisor may not be related within the second degree by affinity or within the third degree by consanguinity to the LPC Intern.	L5
	4 If a supervisor determines that the LPC Intern may not have the counseling skills or competence to practice professional counseling under a regular license, the supervisor shall develop and implement a written plan for remediation of the LPC Intern which shall be reviewed and signed by the LPC Intern and maintained as part of the LPC Intern's file.	L5
	5 A supervisor shall submit accurate documentation of supervised experience to the board within 30 days of completion of hours.	L5
§681.93 (g)	A supervisor whose license is expired, revoked or suspended is no longer an approved supervisor and hours accumulated under that person's supervision after expiration, revocation or suspension may not count as acceptable hours.	[not violatable]
§681.93 (h)	When a licensee's authority to supervise is revoked, suspended or expired, the licensee shall immediately inform all LPC Interns under their supervision of the board disciplinary order if applicable, and assist the LPC Interns in finding alternate supervision.	NYA
§681.93 (i)	A supervisor may not be an employee of an LPC Intern.	L5
	1 The supervisor shall ensure that the LPC Intern is aware of and adheres to board rules found in this chapter.	CLA

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§681.93 (k)	Upon a probated suspension, suspension or revocation of the LPC license, supervisory status shall be denied, revoked, or suspended.	[no t viol ata ble]
§681.93 (l)	A supervisor whose supervisory status has expired may be required to refund all supervisory fees received after the expiration of the supervisory status to the intern(s) who paid the fees.	L4 + AP
§681.93 (m)	Supervision of the intern without being approved as a supervisor or after expiration of the supervisor status may be grounds for disciplinary action.	L4 +AP
§681.93 (n)	Supervisors who are in violation of board rules may be subject to an administrative penalty of up to \$5,000 per day depending on the level of severity and/or be required to refund all or a portion of the fees received by the supervisor to the intern.	[no t viol ata ble]
§681.111 (f)	Only degrees earned in counseling and counseling-related field from an accredited school may appear on the license certificate.	[no t viol ata ble]
§681.124 (b)	A licensee cannot practice while the license is inactive.	L1
§681.251 (b)	A licensee, who serves as a parenting coordinator, has a duty to provide the following information in writing to the parties of the suit about the responsibility of the licensee and the role of the appointed court.	Ref er to Cou rt
2	Records of a licensee serving as a parenting coordinator are confidential under Texas Civil Practice and Remedies Code, §154.073. Licensees serving as a confidential parenting coordinator shall comply with the Texas Civil Practice and Remedies Code, Chapter 154, relating to the release of information.	Ref er to Cou
3	A licensee shall not provide professional counseling services to any person while simultaneously providing parenting coordination services. This section shall not apply if the court enters a finding that mental health services are not readily available in the location where the parties reside.	L4
§681.252 (d)	In accordance with Family Code, §153.6102(e), a licensee serving as a parenting facilitator shall not provide other professional counseling services to any person while simultaneously providing parent facilitation services. This section shall not apply if the court enters a finding that mental health services are not readily available in the location where the parties reside.	L4
§681.252 (e)	In accordance with Family Code, §153.6101(b)(1), a licensed professional counselor intern shall not serve as a parenting facilitator.	NYA
§681.252 (g)	A licensee serving as a parent facilitator shall assist the parties involved in reducing harmful conflict and in promoting the best interests of the children.	Ref er to Cou rt
§681.252 (h)	A licensee serving as a parenting facilitator functions in four primary areas in providing services.	Ref er to Cou rt
1	Conflict management function--The primary role of the parenting facilitator is to assist the parties to work out disagreements regarding the children to minimize conflict. To assist the parents in reducing conflict, the parenting facilitator may monitor the electronic or written exchanges of parent communications and suggest productive forms of communication that limit conflict between the parents.	Ref er to Cou rt
2	Assessment function--A parenting facilitator shall review applicable court orders, including protective orders, social studies, and other relevant records to analyze the impasses and issues as brought forth by the parties.	Ref er to Cou
3	Educational function--A parenting facilitator shall educate the parties about child development, divorce, the impact of parental behavior on children, parenting skills, and communication and conflict resolution skills.	Ref er to Cou
4	Coordination/case management function--A parenting facilitator shall work with the professionals and systems involved with the family (for example, mental health, health care, social services, education, or legal) as well as with extended family, stepparents, and significant others as necessary.	Ref er to Cou

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§681.252 (i)	A licensee, serving as a parenting facilitator, shall be alert to the reasonable suspicion of acts of domestic violence directed at a parent, a current partner, or children. The parenting facilitator shall adhere to protection orders, if any, and take reasonable measures to ensure the safety of the participants, the children and the parenting facilitator, while understanding that even with appropriate precautions a guarantee that no harm will occur can be neither stated nor implied.	NYA
§681.252 (j)	In order to protect the parties and children in domestic violence cases involving power, control and coercion, a parenting facilitator shall tailor the techniques used so as to avoid offering the opportunity for further coercion.	NYA
§681.252 (k)	A licensee serving as a parent facilitator shall be alert to the reasonable suspicion of substance abuse by parents or children, as well as mental health impairment of a parent or child.	NYA
§681.252 (l)	A licensee serving as a parenting facilitator shall not provide legal advice.	NYA
§681.252 (m)	A licensee serving as a parenting facilitator shall serve by written agreement of the parties and/or formal order of the court.	NYA
§681.252 (n)	A licensee serving as a parenting facilitator shall not initiate providing services until the licensee has received and reviewed the fully executed and filed court order or the signed agreement of the parties.	NYA
§681.252 (o)	A licensee serving as a parenting facilitator shall maintain impartiality in the process of parenting facilitation. Impartiality means freedom from favoritism or bias in word, action, or appearance, and includes a commitment to assist all parties, as opposed to any one individual.	NYA
§681.252 (p)	A licensee serving as a parenting facilitator:	NYA
	1 shall terminate or withdraw services if the licensee determines the licensee cannot act in an impartial or objective manner;	NYA
	2 shall not give or accept a gift, favor, loan or other item of value from any party having an interest in the parenting facilitation process;	NYA
	3 shall not coerce or improperly influence any party to make a decision;	NYA
	4 shall not intentionally or knowingly misrepresent or omit any material fact, law, or circumstance in the parenting facilitator process; and	NYA
	5 shall not accept any engagement, provide any service, or perform any act outside the role of parenting facilitation that would compromise the facilitator's integrity or impartiality in the parenting facilitation process.	NYA
§681.252 (q)	A licensee serving as a parenting facilitator may make referrals to other professionals to work with the family, but shall avoid actual or apparent conflicts of interest by referrals. No commissions, rebates, or similar remuneration shall be given or received by a licensee for parenting facilitation or other professional referrals.	NYA
§681.252 (s)	A licensee serving as a parenting facilitator shall communicate with all parties, attorneys, children, and the court in a manner which preserves the integrity of the parenting facilitation process and considers the safety of the parents and children.	NYA
§681.252 (u)	A licensee serving as a parenting facilitator shall, prior to the beginning of the parenting facilitation process and in writing, inform the parties of:	NYA
	1 the limitations on confidentiality in the parenting facilitation process; and	NYA
	2 the basis of fees and costs and the method of payment including any fees associated with postponement, cancellation and/or nonappearance, and the parties' pro rata share of the fees and costs as determined by the court order or written agreement of the parties.	NYA
§681.252 (v)	Information obtained during the parenting facilitation process shall not be shared outside the parenting facilitation process except for professional purposes, as provided by court order, by written agreement of the parties, or as directed by the board.	NYA
§681.252 (w)	In the initial session with each party, a licensee serving as a parenting facilitator shall review the nature of the parenting facilitator's role with the parents to ensure that they understand the parenting facilitation process.	NYA
§681.252 (x)	A licensee serving as a parenting facilitator:	NYA
	1 shall comply with all mandatory reporting requirements, including but not limited to Family Code, Chapter 261, concerning abuse or neglect of minors;	NYA
	2 shall report to law enforcement or other authorities if they have reason to believe that any participant appears to be at serious risk to harm themselves or a third party;	NYA

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	3	shall maintain records necessary to support charges for services and expenses and shall make a detailed accounting of those charges to the parties and their counsel if requested to do so;	NYA
	4	shall maintain notes regarding all communications with the parties, the children, and other persons with whom they speak about the case; and	NYA
	5	shall maintain records in a manner that is professional, legible, comprehensive, and inclusive of information and documents that relate to the parenting facilitation process and that support any recommendations made by the licensee.	NYA
§681.252 (y)		Records of a licensee, serving as a parenting facilitator, are not mental health records and are not subject to the disclosure requirements of Health and Safety Code, Chapter 611. At a minimum, records shall be maintained for the period of time described in §681.41(q) of this title (relating to General Ethical Requirements), or as otherwise directed by the court.	NYA
§681.252 (z)		Records of a licensee serving as a parenting facilitator shall be released on the request of either parent, as directed by the court, or as directed by the board.	NYA
§681.252 (aa)		Charges for parenting facilitation services shall be based upon the actual time expended by the parenting facilitator or as directed by the written agreement of the parties and/or formal order of the court.	NYA
§681.252 (bb)		All fees and costs shall be appropriately divided between the parties as directed by the court order of appointment and/or as noted in the parenting facilitators' written fee disclosure to the parties.	NYA
§681.252 (dd)		Services and activities for which a licensee serving as a parenting facilitator may charge include time spent interviewing parents, children and collateral sources of information; preparation of agreements, correspondence, and reports; review of records and correspondence; telephone and electronic communication; travel; court preparation; and appearances at hearings, depositions and meetings.	NYA
§681.252 (ff)		A licensee serving as a parent facilitator shall decline an appointment, withdraw, or request appropriate assistance when the facts and circumstances of the case are beyond the licensee's skill or expertise.	NYA
§681.253 (a)		Licensees shall comply with Texas Family Code, Chapter 107, Subchapters D, E, and F concerning Child Custody Evaluation, Adoption Evaluation, and Evaluations in Contested Adoptions.	NYA
§681.253 (c)		Any complaint relating to the outcome of a child custody evaluation or adoption evaluation conducted by a licensee must be reported to the court that ordered the evaluation. The board only reviews complaints regarding forensic evaluations addressing violation of specific board rules.	NYA
§681.253 (d)		Disclosure of confidential information in violation of Texas Family Code, §107.111 or §107.163 is grounds for disciplinary action, up to and including revocation of license, by the board.	NYA
§681.253 (e)		A licensee who provides services concerning a matter which the licensee knows or should know will be utilized in a legal proceeding, such as a divorce, child custody determination, disability claim, or criminal prosecution, must comply with all applicable board rules regardless of whether the licensee is acting as a factual witness or an expert.	NYA
§681.253 (f)		A licensee may not provide therapy and any other type of service, including but not limited to a child custody evaluation or parenting facilitation, in the same case, whether such services are delivered sequentially or simultaneously.	L4
§681.253 (g)		Licensees may not offer an expert opinion or recommendation relating to the conservatorship of or possession of or access to a child unless the licensee has conducted a child custody evaluation relating to the child under Texas Family Code, Subchapter D, Chapter 107.	L3
§681.253 (h)		Licensees providing child custody evaluations or adoption evaluations shall, prior to beginning the evaluation, in writing inform the parties of:	
	1	The limitations on confidentiality in the evaluation process; and	L4
	2	The basis of fees and costs and the method of payment, including any fees associated with postponement, cancelation and/or nonappearance, and the parties' pro rata share of the fees and costs as determined by the court order or written agreement of the parties.	L4
§681.253 (i)		A Licensed Professional Counselor Intern (LPC Intern) shall not conduct child custody evaluations or adoption evaluations unless qualified by another professional license to provide such services.	L4

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Aggravating Factors:

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

Mitigating Factors:

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

Date Case Reviewed by CRT/IC: _____