

# **Self-Evaluation Report**

## **Texas State Board of Examiners of Marriage and Family Therapists**



Presented to the

**Sunset Advisory Commission  
August 2017**



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## Texas State Board of Examiners of Marriage and Family Therapists Self-Evaluation Report

### I. Agency Contact Information

**Texas State Board of Examiners of Marriage and Family Therapists  
Exhibit 1: Agency Contacts**

	<b>Name</b>	<b>Address</b>	<b>Telephone &amp; Fax Numbers</b>	<b>Email Address</b>
<b>Presiding Officer</b>	Jennifer Smothermon Chair	P.O. Box 149347 Mail Code 1982 Austin, Texas 78714-9347	(512) 834-6628 (512) 834-6677 fax	mft@dshs.texas.gov mft@hhsc.state.tx.us
<b>Agency Head</b>	Cheryl Gomez Executive Director	P.O. Box 149347 Mail Code 1982 Austin, Texas 78714-9347	(512) 834-6628, ext. 2772 (512) 834-6677 fax	cheryl.gomez@hhsc.state.tx.us
<b>Agency's Sunset Liaison</b>	Sarah Faszholz Regulation and Standards Group - Project Manager	P.O. Box 149347 Mail Code 1982 Austin, Texas 78714-9347	(512) 834-6695 (512) 834-6677 fax	sarah.faszholz@hhsc.state.tx.us

[Table 1 Exhibit 1 Agency Contacts](#)

## II. Key Functions and Performance

### A. Provide an overview of your agency's mission, objectives, and key functions.

The Texas State Board of Examiners of Marriage and Family Therapists is the licensing and regulatory authority for marriage and family therapists in Texas. The board's primary mission is to enforce licensure rules and standards for marriage and family therapists as a means to protect and promote public health and welfare. The board accomplishes its mission by establishing and administering the qualifications for licensure and renewal and enforcing standards for the profession within the parameters established by Chapter 502, Texas Occupations Code.

The board is administratively attached to the Professional Licensing and Certification Unit (PLCU) at the Texas Department of State Health Services (DSHS), and does not function as an independent state agency. DSHS employs staff and provides necessary facilities and infrastructure to carry out the board's functions.

In accordance with the Section 502.051, Occupations Code, the governor appoints the nine member board, including five members who are licensed marriage and family therapists that are good standing and four members who represent the public.

Key functions, powers, and duties of the Texas State Board of Examiners of Marriage and Family Therapists include:

- Promulgate rules necessary to carry out its duties (Section 502.152, Occupations Code);
- Administer, coordinate, and enforce Chapter 502, Occupations Code (Sections 502.151, 502.152, and 502.153, Occupations Code);
- Issue licenses, including provisional and temporary licenses to qualified applicants (Sections 502.257, 502.258, and 502.259, Occupations Code);
- Provide for the examination of license applicants (Sections 502.155, 502.252, 502.253, 502.254, 502.2541, 502.2545, 502.255, and 502.256, Occupations Code);
- Prepare and publish a registry of license holders (Section 502.157, Occupations Code);
- Adopt rules for the continuing education of a license holder (Section 502.303, Occupations Code);
- Establish fees in amounts reasonable and necessary to cover costs of administration (Section 502.153, Occupations Code);
- Adopt a code of professional standards and ethics for license holders (Section 502.151, Occupations Code);
- Receive and investigate complaints filed by consumers regarding license holders (Sections 502.158, 502.202, 502.203, 502.204, 502.2041, and 502.2045, Occupations Code);

- Impose disciplinary action and/or assess an administrative penalty against a license holder found to be in violation of the law or rules (Sections 502.204, 502.351, 502.355, 502.401, and 502.402, Occupations Code); and
- Deny an application or probate, suspend, or revoke the license and/or specialty recognition of a license holder whose practice constitutes an ongoing and imminent threat to the public welfare (Sections 502.351, 502.352, 502.356, and 502.357, Occupations Code).

**B. Do your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed. What harm would come from no longer performing these functions?**

Yes, the board's key functions continue to serve a clear and ongoing objective: to ensure public health, safety, and welfare. This includes the establishment of minimum training requirements as well as the enforcement of professional standards in the delivery of marriage and family therapy. Marriage and family therapists should also be required to further develop and maintain their knowledge and skill levels biennially through continuing education, and report to the board events (such as criminal convictions) that could reflect their fitness to practice.

Since each complaint may involve a situation in which a client's well-being is compromised, each complaint should be evaluated thoroughly. When evidence indicates that a violation has occurred, it is in the interest of public safety to initiate disciplinary proceedings against the license holder. Depending on the situation, a range of disciplinary actions may be imposed, up to and including revocation of the professional's right to practice in Texas.

Public information, provided through the DSHS website, is necessary to inform license holders and Texans of the standards of practice and of the board's complaint procedures.

If these functions were no longer performed, the lack of regulation of marriage and family therapists could result in Texas consumers receiving services from individuals who lack appropriate qualifications and standards. This could result in potential harm to vulnerable consumers.

**C. What evidence can your agency provide to show your overall effectiveness and efficiency in meeting your objectives?**

The program's workload statistics demonstrate overall effectiveness and efficiency. This includes annual totals of:

- persons licensed as marriage and family therapists or marriage and family therapist associates;
- complaints received;
- jurisdictional complaints resolved; and
- disciplinary actions taken.

See Attachment 2, Health Professions Council's Annual Report for fiscal years 2015 and 2016 for details on the above-listed totals.

DSHS also performs specific activities related to assessing customer service, including a customer comment survey. Survey results in summary form are provided to the staff and board for analysis and improvements. See Attachment 20 for the Customer Survey and quarterly evaluations of the Customer Survey data.

**D. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions? Have you recommended changes to the Legislature in the past to improve your agency's operations? If so, explain. Were the changes adopted?**

In general, the enabling law continues to correctly reflect the mission, objectives, and approach to performing the regulatory functions of the board. The board has not recommended changes to the Texas Legislature to improve operations.

**E. Do any of your agency's functions overlap or duplicate those of another state or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies?**

There is no other state or federal agency that licenses and regulates Texas marriage and family therapists. DSHS staff communicates regularly with other entities, including regulatory boards for counselors, social workers, and sex offender treatment providers, to coordinate on matters of mutual interest to mental healthcare providers. Also, DSHS staff refers complaints not within the jurisdiction of the board to those programs that may regulate the individual or entity. For example, a complaint filed with the board against a licensed psychologist is referred to the Texas State Board of Examiners of Psychologists.

**F. In general, how do other states carry out similar functions?**

According to the Association of Marriage and Family Therapy Regulatory Boards (AMFTRB), all 50 states and the District of Columbia regulate the practice of marriage and family therapy through licensure or certification programs established under state boards or regulatory agencies. These jurisdictions vary in regulating marriage and family therapy practice and in the titles that licensees may use in professional practice.

**G. What key obstacles impair your agency's ability to achieve its objectives?**

There are no significant obstacles identified at this time that impair the board's ability to achieve its objectives.

**H. Discuss any changes that could impact your agency’s key functions in the near future (e.g., changes in federal law or outstanding court cases).**

In 2008, the Texas Medical Association filed a lawsuit against the Texas State Board of Examiners of Marriage and Family Therapists regarding the scope of practice and the use of the term “diagnosis.” The case is currently awaiting appeal to the Texas Supreme Court, so the outcome remains uncertain. However, if licensees are unable to diagnose clients, their practice may be affected significantly.

**I. What are your agency’s biggest opportunities for improvement in the future?**

Increasing the use of online application and renewal systems will provide an opportunity to improve the efficiency and timeliness of licensure processing. Strategies to encourage use of the online system will be developed by DSHS staff and presented to boards for consideration. These may include moving to postcard notification of impending license renewal, rather than providing renewal letters and payment coupons, and creating mechanisms for electronic submission of supporting documentation.

Utilizing the results of the routine licensing audits implemented in FY 2015 will provide an opportunity to increase the quality and accuracy of licensure processing. This will allow for further development of staff training tools, such as license approval worksheets, and process improvements.

**J. In the following chart, provide information regarding your agency’s key performance measures included in your appropriations bill pattern, including outcome, input, efficiency, and explanatory measures.**

The Texas State Board of Examiners of Marriage and Family Therapists is administratively attached to the DSHS Professional Licensing and Certification Unit and does not function as an independent state agency. DSHS provides the staff, facilities, and infrastructure necessary to accomplish the board’s mission and functions.

The board is funded through an appropriation to DSHS, not the board, for Strategy 4.1.4 (Health Care Professionals). This appropriation funds 25 programs within DSHS. The General Appropriations Act (GAA) does not contain a line-item appropriation to the board; in fact, the GAA does not mention the board. Consequently, there are no specific legislative performance measures associated with the board. However, shared performance measure reporting associated with the appropriation to DSHS for Strategy 4.1.4 (Health Care Professionals) is compiled quarterly. The report includes the number of health care professionals licensed and the number of professional complaint investigations conducted for all license types within the strategy. In addition, the performance measures include the percentage of licenses issued within the fiscal year and the percentage of licensed professionals with no recent violations. For statistical information specific to the Texas State Board of Examiners of Marriage and Family Therapists, the annual report of the Health Professions Council provides the total number of licensees, the number of new licenses issued, the number of renewal licenses issued, the number and type of complaints received, the number of jurisdictional complaints received, the

number of complaint investigations completed, the number of jurisdictional complaints resolved, the method in which the complaints were resolved, the average length of time required to resolve a complaint, the total fees collected and the total expenses (see Attachment 2). The report is an opportunity for the board to assess its performance in those areas and provides statistical information used for staffing and resource allocations.

**Texas State Board of Examiners of Marriage and Family Therapists  
Exhibit 2: Key Performance Measures — Fiscal Year 2016**

Key Performance Measures	FY 2016 Target	FY 2016 Actual Performance	FY 2016 % of Annual Target
N/A (see above)			

[Table 2 Exhibit 2 Key Performance Measures](#)

**Texas State Board of Examiners of Marriage and Family Therapists  
Exhibit 2: Key Performance Measures — Fiscal Year 2017**

Key Performance Measures	FY 2017 Target	FY 2017 Actual Performance	FY 2017 % of Annual Target
N/A (see above)			

[Table 3 Exhibit 2 Key Performance Measures](#)

### **III. History and Major Events**

#### **Texas State Board of Examiners of Marriage and Family Therapists**

##### **1991**

The 72<sup>nd</sup> Texas Legislature enacted the Licensed Marriage and Family Therapists Act to be effective September 1, 1991. The law was codified in Vernon's Texas Civil Statutes, Article 4512c-1. The Texas Association of Marriage and Family Therapists worked closely with legislators as the bill went through the legislative process. The Act created a title and practice protection regulatory program under the general direction of the Texas State Board of Examiners of Marriage and Family Therapists.

The board first met on November 25, 1991, at the Texas Department of Health (TDH). The board was empowered to qualify, license, and regulate marriage and family therapists in order to protect the public health, safety, and welfare. The board was administratively attached to the Texas Department of Health and organizationally placed in the Professional Licensing and Certification Division (PLCD).

##### **1992**

Final rules to implement the regulatory program were approved by the board on April 27, 1992.

##### **1993**

First administration of the state examination was held on October 25, 1993.

##### **1994**

Board adopted a plan to approve supervisors and established criteria for direct supervision on May 9, 1994.

##### **1995**

The 73<sup>rd</sup> Texas Legislature amended the Act to create the associate level of licensure (temporary license). With the development of this license, post-graduate supervised experience applied toward full licensure must be received after the issuance of the LMFT-A. This action regulated individuals under supervision but not at full licensure as a means to increase public protection.

##### **1996**

The board transitioned from the administration of a state exam to the acceptance of the national exam. This provided for great reciprocity and portability for licensees and for more standardized national criteria to be administered on the exam. Additionally, the board's time and resources were no longer devoted to concerns regarding examination administration, security, and validity.

## **1999**

The 76<sup>th</sup> Texas Legislature re-codified the Act as Texas Occupations Code, Chapter 502.

The board modified the application process to require applicants for licensure to successfully complete the exam prior to qualifying for the associate license. This change provides greater public protection by having applicants demonstrate competency skills via examination prior to beginning the post-graduate supervised experience.

## **2003**

The 78<sup>th</sup> Texas Legislature amended the Act to authorize the board to suspend a license on an emergency basis in certain circumstances.

The board's program and staff, along with 19 other regulatory programs housed within TDH's Professional Licensing and Certification Division (PLCD), were reorganized along functional lines, instead of a programmatic arrangement that had been in place since the division's inception in 1985. The PLCD budget was reduced by 4.5 FTEs for the biennium. The reorganization was implemented on September 1, 2003.

## **2004**

Texas Department of State Health Services (DSHS) was created as a new agency, a product of the consolidation of TDH, Texas Commission on Alcohol and Drug Abuse, and the mental health programs and services of the Texas Department of Mental Health and Mental Retardation. The board was organizationally placed within the Division for Regulatory Services, Health Care Quality Section, Professional Licensing and Certification Unit.

## **2008**

The Texas Medical Association filed a lawsuit against the board regarding the scope of practice of marriage and family therapists and the use of the term "diagnosis."

## **2010**

New rules were adopted to modify requirements for experience needed for licensure; supervisor requirements, including new fees for board-approved supervisor status; licensure renewal; late renewal; and complaints and violations.

## **2015**

The 84<sup>th</sup> Texas Legislature enacted Senate Bill (SB) 200, which took a phased approach to restructuring the health and human services system, including transferring the Department of Assistive and Rehabilitative Services; client services at the Department of Aging and Disability Services, the Department of Family and Protective Services (DFPS) and the Department of State Health Services (DSHS); and certain administrative services to the Health and Human Services Commission (HHSC) on September 1, 2016. Regulatory programs (including DSHS PLCU, which supports the board's operations) as well as state supported living centers and state hospitals were required to transfer to HHSC on September 1, 2017. SB 200 required HHSC to develop

and submit a detailed transition plan for moving all programs and functions to the newly created Transition Legislative Oversight Committee.

In addition, Senate Bill (SB) 202 transferred to the Texas Department of Licensing And Regulation (TDLR), during the biennium ending August 31, 2017, six health-related programs; transferred three health-related programs and one independent board to the Texas Medical Board as soon as practicable after September 1, 2015; and deregulated 9 programs — all currently supported by DSHS PLCU. The Texas State Board of Social Worker Examiners, the Texas State Board of Examiners of Professional Counselors, the Texas State Board of Examiners of Marriage and Family Therapists, and the Licensed Chemical Dependency Counselor Program — as well as the Council on Sex Offender Treatment — were unaffected by SB 202 and remain supported by DSHS PLCU.

The board adopted rules that significantly change the academic requirements for applicants beginning a graduate degree program in marriage and family therapy on or after August 1, 2017.

### **2016**

The Texas State Board of Examiners of Professional Counselors, the Texas State Board of Examiners of Marriage and Family Therapists, and the Texas State Board of Social Worker Examiners participated in a joint-rulemaking taskforce and adopted rules to implement Senate Bill (SB) 807 and SB 1307, 84th Legislature, Regular Session, 2015, which amended Texas Occupations Code, Chapter 55, relating to occupational license application; examination fees and licensing and renewal of certain military service members, military veterans, and military spouses and to implement House Bill (HB) 1449, 84th Legislature, Regular Session, 2015, as it relates to child custody and adoption evaluations in certain suits affecting the parent-child relationship.

### **2017**

Transfers of certain programs to the Texas Department of Licensing And Regulation (TDLR) as required by Senate Bill (SB) 202, 84th Legislature, Regular Session, 2015, were completed by August 31, 2017. Transition of regulatory programs, including the Department of State Health Services' Professional Licensing and Certification Unit (DSHS PLCU) to HHSC as required by Senate Bill (SB) 200, 84th Legislature, Regular Session, 2015, was completed by September 1, 2017.

## IV. Policymaking Structure

### A. Complete the following chart providing information on your policymaking body members.

**Texas State Board of Examiners of Marriage and Family Therapists  
Exhibit 3: Policymaking Body**

Member Name	Term / Appointment Dates / Appointed by	Qualification	City
Jennifer Smothermon, Chair	6 years / April 2013 / Governor	Marriage and Family Therapist - Supervisor	Abilene
Sean Stokes, Vice Chair	6 years / February 1, 2011 / Governor	Marriage and Family Therapist - Supervisor	McKinney
Kenneth Bateman	6 years / February 2016 / Governor	Marriage and Family Therapist - Supervisor	Garland
Rick Bruhn	6 years / May 2011 / Governor	Marriage and Family Therapist - Supervisor	Huntsville
George Francis	6 years / February 1, 2011 / Governor	Public Member	Georgetown
Rachel Logue	6 years / February 2016 / Governor	Public Member	The Hills
Michael Miller	6 years / April 2013 / Governor	Public Member	Belton
Keith Rosenbaum	6 years / April 2013 / Governor	Marriage and Family Therapist	Joshua
Evelyn Husband-Thompson	6 years / February 2016 / Governor	Public Member	Houston

Table 4 Exhibit 3 Policymaking Body

### B. Describe the primary role and responsibilities of your policymaking body.

Powers and duties of the board are set out in Sections 502.151 – 502.163, Occupations Code. The board's primary role is to adopt and enforce rules relating to the licensure and regulation of marriage and family therapists, including review of consumer complaints and discipline of license holders found to be in violation of the law or rules.

### C. How is the chair selected?

Section 502.055(a), Occupations Code, requires the governor to designate a member of the board as the presiding officer. The presiding officer serves at the will of the governor.

### D. List any special circumstances or unique features about your policymaking body or its responsibilities.

There are no special circumstances or unique features that distinguish the board from other regulatory boards administratively attached to DSHS Professional Licensing and Certification Unit.

**E. In general, how often does your policymaking body meet? How many times did it meet in FY 2014? In FY 2015?**

Section 502.058, Occupations Code, requires board to meet at least semiannually. In fiscal years 2014 through 2017, the board and its committees held four meetings each year. In fiscal year 2017, the board and its committees convened four meetings. The Ethics Committee met one additional time in fiscal year 2017.

**F. What type of training do members of your agency's policymaking body receive?**

Section 502.059, Occupations Code, requires an appointee to complete a training program prior to assuming the member's duties. In addition, Section 101.101, Occupations Code, requires the Health Professions Council (HPC) to establish a training program for the governing bodies of state agencies that regulate health professions. The training curriculum created by HPC was adapted for use with the regulatory boards administratively attached to the DSHS Professional Licensing and Certification Unit.

The training program includes information regarding the enabling legislation; the functions of the licensing program; the role of the program and the board; the rules of the board with an emphasis on the rules that relate to disciplinary and investigatory authority; the current costs and revenue for the board; the requirements of the open meetings law, Chapter 551, Government Code; the requirements of the open records law, Chapter 552, Government Code; the requirements of the administrative procedure law, Chapter 2001, Government Code; the requirements of the conflict of interest laws and other laws relating to public officials; and any applicable ethics policies adopted by the Texas Ethics Commission. Additionally, board members receive information concerning the board's placement within DSHS and the staffing, structure, and mission of the DSHS Division for Regulatory Services.

**G. Does your agency have policies that describe the respective roles of the policymaking body and agency staff in running the agency? If so, describe these policies.**

Section 502.104, Occupations Code, requires the board to develop and implement policies that clearly separate the policy-making responsibilities of the board and the management responsibilities of the executive director and DSHS staff. See Attachment IV-G Board Policy: Responsibilities of board and staff.

**H. What information is regularly presented to your policymaking body to keep them informed of your agency's performance?**

At each regular meeting of the board, the executive director presents information regarding the number and categories of license holders. The Professional Licensing and Certification Unit manager provides information regarding the committee's annual costs and revenue, legislation impacting the program or the Unit, management initiatives or projects within the Unit or DSHS Regulatory Services, DSHS legislative performance measures, staffing updates, and other information relative to the operation of the Unit and DSHS.

**I. How does your policymaking body obtain input from the public regarding issues under the jurisdiction of the agency? How is this input incorporated into the operations of your agency?**

The Texas State Board of Examiners of Marriage and Family Therapists uses a variety of mechanisms to obtain and incorporate public input. The board considers obtaining and using public input to be of critical importance in carrying out its duty to protect and promote public health and safety by regulating the practice of marriage and family therapy.

Each board or committee meeting agenda has a public comment item. Agendas are posted in the *Texas Register* in compliance with the Texas Open Meetings Act. The board's stakeholders regularly address the board and provide input.

The board's structure lends itself to considerable input from the public, including four board members must represent the public and each board committee must have at least one public member.

In regard to rulemaking, stakeholders' recommendations for rule changes are considered. Proposed rules are posted in the *Texas Register* for review and comment. Public hearings may also be held during the rule comment period. The board fully considers all written comments received during the statutory public comment period, as well as oral comments received at public hearings. Rule proposals and adoptions are posted on the board's website and regularly updated. In particularly difficult matters of rule development, the board will consider development of a taskforce to ensure all interested parties are involved in the rule making process.

As funds allow, the board members and/or staff attend statewide conferences relating to marriage and family therapy to receive direct input from the regulated community, present on board-related topics, provide information, and answer questions regarding the board and its functions.

- J. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart.

**Texas State Board of Examiners of Marriage and Family Therapists  
Exhibit 4: Subcommittees and Advisory Committees**

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee
Ethics Committee	Four members / Two public and two professional members / The board chair appoints committee members for one-year terms.	To consider matters related to complaints and propose disciplinary action, as warranted, if a violation of the law or the rules is substantiated. The committee may also dismiss matters for no violation, for lack of substantiation of a violation, or for lack of jurisdiction.	Occupations Code §§ 502.161 and 502.2041  22 Tex. Admin. Code § 801.11(f)  By law, the Complaints Committee must have at least one public member. By rule, the board chair shall appoint at least one public member to any committee established to review a complaint.
Rules Committee	Four members / Two public and two professional members / The board chair appoints committee members for one-year terms.	To consider matters relating to the board's rules, including proposals for rulemaking and management of the rule review process.	Occupations Code §§ 502.161  22 Tex. Admin. Code § 801.11(f)
Licensing Standards Committee	Four members / Two public and two professional members / The board chair appoints committee members for one-year terms.	To consider matters related to licensing and specialty recognition, including appeals from applicants or licensees for waiver of certain requirements.	Occupations Code §§ 502.161  22 Tex. Admin. Code § 801.11(f)
Professional Development	Four members / Three public and one professional members / The board chair appoints committee members for one-year terms.	To consider matters related to the professional development of marriage and family therapists, including continuing education and the jurisprudence examination.	Occupations Code §§ 502.161  22 Tex. Admin. Code § 801.11(f)

Table 5 Exhibit 4 Subcommittees and Advisory Committees

## V. Funding

### A. Provide a brief description of your agency’s funding.

The Texas State Board of Examiners of Marriage and Family Therapists is administratively attached to the DSHS Professional Licensing and Certification Unit and does not function as an independent state agency. DSHS provides the staff, facilities, and infrastructure necessary to accomplish the board’s mission and functions.

The board is funded through an appropriation to DSHS, not the board, for Strategy 4.1.4 (Health Care Professionals). This appropriation funds 25 programs within DSHS. The General Appropriations Act (GAA) does not contain a line-item appropriation to the board; in fact, the GAA does not mention the board. All revenue and expenditures are processed, accounted for, tracked, and audited through the DSHS budget, fiscal, and audit structures.

Due to the absence of a legislative appropriation, the board is unable to hire its own staff or expend funds. Some information requested in Sections V (Funding), VI (Organization), and XI (Additional Information) is available in a format that is specific to the board, with some necessary modifications, and the modified information is submitted in this report.

### B. List all riders that significantly impact your agency’s budget.

N/A (see above).

### C. Show your agency’s expenditures by strategy.

**Texas State Board of Examiners of Marriage and Family Therapists  
Exhibit 5: Expenditures by Strategy — Fiscal Year 2014 (Actual)**

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
Licensing and regulation of marriage and family therapists	\$329,297*	100%	N/A
<b>GRAND TOTAL:</b>	<b>\$329,297*</b>	<b>100%</b>	<b>N/A</b>

*\*Cost for 2014 reflects corrected amount that differs from the cost in the FY2014 Fee Resource Manual.*

[Table 6 Exhibit 5 Expenditures by Strategy](#)

**Texas State Board of Examiners of Marriage and Family Therapists  
Exhibit 5: Expenditures by Strategy — Fiscal Year 2015 (Actual)**

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
Licensing and regulation of marriage and family therapists	\$245,595*	100%	N/A
<b>GRAND TOTAL:</b>	<b>\$245,595*</b>	<b>100%</b>	<b>N/A</b>

*\*Cost for 2015 reflects corrected amount that differs from the cost in the FY2015 Fee Resource Manual.*

[Table 7 Exhibit 5 Expenditures by Strategy](#)

**Texas State Board of Examiners of Marriage and Family Therapists  
Exhibit 5: Expenditures by Strategy — Fiscal Year 2016 (Actual)**

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
Licensing and regulation of marriage and family therapists	\$258,286	100%	N/A
<b>GRAND TOTAL:</b>	<b>\$258,286</b>	<b>100%</b>	<b>N/A</b>

Table 8 Exhibit 5 Expenditures by Strategy

**Texas State Board of Examiners of Marriage and Family Therapists  
Exhibit 5: Expenditures by Strategy — Fiscal Year 2017  
Fiscal Year 2017 Data Is Not Yet Available**

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
Licensing and regulation of marriage and family therapists	Data not yet available	Data not yet available	N/A
<b>GRAND TOTAL:</b>	<b>Data not yet available</b>	<b>Data not yet available</b>	<b>N/A</b>

Table 9 Exhibit 5 Expenditures by Strategy

- D. Show your agency's sources of revenue. Include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency, including taxes and fines.**

**Texas State Board of Examiners of Marriage and Family Therapists  
Exhibit 6: Sources of Revenue — Fiscal Year 2014 (Actual)**

Source	Amount
Licensing fees deposited into General Revenue Fund No. 0001, Revenue Code 356209	\$269,034
<b>TOTAL</b>	<b>\$269,034</b>

Table 10 Exhibit 6 Sources of Revenue

**Texas State Board of Examiners of Marriage and Family Therapists  
Exhibit 6: Sources of Revenue — Fiscal Year 2015 (Actual)**

Source	Amount
Licensing fees deposited into General Revenue Fund No. 0001, Revenue Code 356209	\$280,658
<b>TOTAL</b>	<b>\$280,658</b>

Table 11 Exhibit 6 Sources of Revenue

**Texas State Board of Examiners of Marriage and Family Therapists  
Exhibit 6: Sources of Revenue — Fiscal Year 2016 (Actual)**

Source	Amount
Licensing fees deposited into General Revenue Fund No. 0001, Revenue Code 356209	\$279,541
<b>TOTAL</b>	<b>\$279,541</b>

Table 12 Exhibit 6 Sources of Revenue

**Texas State Board of Examiners of Marriage and Family Therapists**  
**Exhibit 6: Sources of Revenue — Fiscal Year 2017**  
*Fiscal Year 2017 Data Is Not Yet Available*

Source	Amount
Licensing fees deposited into General Revenue Fund No. 0001, Revenue Code 356209	Data not yet available
<b>TOTAL</b>	<b>Data not yet available</b>

Table 13 Exhibit 6 Sources of Revenue

**E. If you receive funds from multiple federal programs, show the types of federal funding sources.**

**Texas State Board of Examiners of Marriage and Family Therapists**  
**Exhibit 7: Federal Funds — Fiscal Year 2014 (Actual)**

Type of Fund	State / Federal Match Ratio	State Share	Federal Share	Total Funding
<b>TOTAL</b>				<b>N/A</b>

Table 14 Exhibit 7 Federal Funds

**F. If applicable, provide detailed information on fees collected by your agency.**

**Texas State Board of Examiners of Marriage and Family Therapists**  
**Exhibit 8: Fee Revenue — Fiscal Year 2014**

Fee Description/ Program/ Statutory Citation	Current Fee/ Statutory Maximum	Number of Persons or Entities Paying Fee	Fee Revenue	Where Fee Revenue is Deposited <i>(e.g., General Revenue Fund)</i>
<b>Application Fee /</b> Occupations Code § 502.153	\$40 / none	235	\$9,400	General Revenue Fund
<b>Initial Licensure Fee /</b> Occupations Code § 502.153	\$90 / none	254	\$22,860	General Revenue Fund
<b>Renewal Fee /</b> Occupations Code § 502.153	\$130 / none	1,558	\$202,540	General Revenue Fund
<b>Late Renewal Fee (up to 90 days) /</b> Occupations Code § 502.153	\$33 / none	3	\$99	General Revenue Fund
<b>Late Renewal Fee (90 day to less than one year) /</b> Occupations Code § 502.153	\$65 / none	12	\$780	General Revenue Fund
<b>Inactive Status /</b> Occupations Code § 502.153	\$75 / none	24	\$1,800	General Revenue Fund
<b>Duplicate License Fee /</b> Occupations Code § 502.153	\$10 / none	68	\$680	General Revenue Fund
<b>Provisional Licensure Fee /</b> Occupations Code § 502.153	\$40 / none	0	\$0	General Revenue Fund

<b>Fee Description/ Program/ Statutory Citation</b>	<b>Current Fee/ Statutory Maximum</b>	<b>Number of Persons or Entities Paying Fee</b>	<b>Fee Revenue</b>	<b>Where Fee Revenue is Deposited (e.g., General Revenue Fund)</b>
<b>Continuing Education Sponsor Fee / Occupations Code § 502.153</b>	\$50 / none	334	\$16,700	General Revenue Fund
<b>Child Support Reinstatement Fee / Occupations Code § 502.153</b>	\$40 / none	0	\$0	General Revenue Fund
<b>Verification Fee / Occupations Code § 502.153</b>	\$10 / none	32	\$320	General Revenue Fund
<b>Student Loan Default Reinstatement Fee / Occupations Code § 502.153</b>	\$40 / none	0	\$0	General Revenue Fund
<b>Criminal History Evaluation Letter Fee / Occupations Code § 502.153</b>	\$50 / none	4	\$200	General Revenue Fund
<b>Application Fee for Board Approved Supervisor Status / Occupations Code § 502.153</b>	\$20 / none	38	\$760	General Revenue Fund
<b>Renewal Fee for Board Approved Supervisor Status / Occupations Code § 502.153</b>	\$50 / none	260	\$1,300	General Revenue Fund
<b>Office of Patient Protection Fee / Occupations Code § 101.307</b>	\$1 & \$5 / max: \$1 for renewals; \$5 for initial license	1,957	\$5,561	General Revenue Fund
<b>Texas Online Fee / Government Code § 2054.252(g)</b>	\$5 & \$10 / max: \$5 for annual; \$10 for biennial occupational license	1,957	\$6,034	General Revenue Fund

Table 15 Exhibit 8 Fee Revenue

## VI. Organization

The Texas State Board of Examiners of Marriage and Family Therapists is administratively attached to the DSHS Professional Licensing and Certification Unit, and does not function as an independent state agency. DSHS provides the staff, facilities, and infrastructure necessary to accomplish the board’s mission and functions.

**A. Provide an organizational chart that includes major programs and divisions, and shows the number of FTEs in each program or division. Detail should include, if possible, Department Heads with subordinates, and actual FTEs with budgeted FTEs in parenthesis.**

For the organizational chart of the DSHS Professional Licensing and Certification Unit, see Attachment VI-A. The Unit is organized into groups with specific functions.

*Policy, Standards, and Board Support Functions:* Staff members who serve as executive directors for the Unit’s licensing programs are organized within the Regulation and Standards Group. Other staff members in this group provide administrative support for board and committee meetings, and carry out examination-related functions. The board’s executive director may serve as interim executive director as needed for another board or program during periods of vacancy.

*Licensing and Customer Service Functions:* Staff who process licensing applications and renewals, and provide customer service by telephone, fax, e-mail, and in-person, is organized within one of the Unit’s three licensing groups. One of these groups, Licensing Group C, serves five licensing programs, including the Texas State Board of Examiners of Marriage and Family Therapists. Other programs served by Licensing Group C include the Council on Sex Offender Treatment, the Texas State Board of Social Worker Examiners, and the Texas State Board of Examiners of Professional Counselors. Group C supported the Dyslexia Therapist and Dyslexia Practitioner Licensing Program through its deregulation — as soon as practicable after September 1, 2015 — as required by Senate Bill 202, 84th Legislature, Regular Session.

*Complaint and Investigation Functions:* Staff members who receive, process, and investigate consumer complaints are organized within the Investigations and Quality Assurance Group, which provides complaint and investigation services for the five licensing programs of the Professional Licensing and Certification Unit.

**B. If applicable, fill in the chart below listing field or regional offices.**

**Texas State Board of Examiners of Marriage and Family Therapists  
Exhibit 9: FTEs by Location — Fiscal Year 2014**

Headquarters, Region, or Field Office	Location	Co-Location? Yes / No	Number of Budgeted FTEs FY 2014	Number of Actual FTEs as of June 1, 2014
Headquarters	8407 Wall Street, Austin	No	4.18	4.18

Headquarters, Region, or Field Office	Location	Co-Location? Yes / No	Number of Budgeted FTEs FY 2014	Number of Actual FTEs as of June 1, 2014
			TOTAL: 4.18	TOTAL: 4.18

Table 16 Exhibit 9 FTEs by Location

**Texas State Board of Examiners of Marriage and Family Therapists  
Exhibit 9: FTEs by Location — Fiscal Year 2015**

Headquarters, Region, or Field Office	Location	Co-Location? Yes / No	Number of Budgeted FTEs FY 2015	Number of Actual FTEs as of August 31, 2015
Headquarters	8407 Wall Street, Austin	No	4.18	4.18
			<b>TOTAL: 4.18</b>	<b>TOTAL: 4.18</b>

Table 17 Exhibit 9 FTEs by Location

**Texas State Board of Examiners of Marriage and Family Therapists  
Exhibit 9: FTEs by Location — Fiscal Year 2016**

Headquarters, Region, or Field Office	Location	Co-Location? Yes / No	Number of Budgeted FTEs FY 2016	Number of Actual FTEs as of August 31, 2016
Headquarters	8407 Wall Street, Austin	No	3.53	3.53
			<b>TOTAL: 3.53</b>	<b>TOTAL: 3.53</b>

Table 18 Exhibit 9 FTEs by Location

**Texas State Board of Examiners of Marriage and Family Therapists  
Exhibit 9: FTEs by Location — Fiscal Year 2017**

Headquarters, Region, or Field Office	Location	Co-Location? Yes / No	Number of Budgeted FTEs FY 2017	Number of Actual FTEs as of August 31, 2017
Headquarters	8407 Wall Street, Austin	No	3.33	3.33
			<b>TOTAL: 3.53</b>	<b>TOTAL: 3.53</b>

Table 19 Exhibit 9 FTEs by Location

**C. What are your agency's FTE caps for fiscal years 2014–2017?**

N/A

**D. How many temporary or contract employees did your agency have as of August 31, 2014?**

N/A

- E. List each of your agency's key programs or functions, along with expenditures and FTEs by program.

**Texas State Board of Examiners of Marriage and Family Therapists**  
**Exhibit 10: List of Program FTEs and Expenditures — Fiscal Year 2014**

Program	Number of Budgeted FTEs FY 2014	Actual FTEs as of August 31, 2014	Actual Expenditures
Licensing and regulation of marriage and family therapists	4.18	4.18	\$329,297*
<b>TOTAL</b>	<b>4.18</b>	<b>4.18</b>	<b>\$329,297*</b>

*\*Cost for 2014 reflects corrected amount that differs from the cost in the FY2014 Fee Resource Manual.*

[Table 20 Exhibit 10 List of Program FTEs and Expenditures](#)

**Texas State Board of Examiners of Marriage and Family Therapists**  
**Exhibit 10: List of Program FTEs and Expenditures — Fiscal Year 2015**

Program	Number of Budgeted FTEs FY 2015	Actual FTEs as of August 31, 2015	Actual Expenditures
Licensing and regulation of marriage and family therapists	4.18	4.18	\$245,595*
<b>TOTAL</b>	<b>4.18</b>	<b>4.18</b>	<b>\$245,595*</b>

*\*Cost for 2015 reflects corrected amount that differs from the cost in the FY2015 Fee Resource Manual.*

[Table 21 Exhibit 10 List of Program FTEs and Expenditures](#)

**Texas State Board of Examiners of Marriage and Family Therapists**  
**Exhibit 10: List of Program FTEs and Expenditures — Fiscal Year 2016**

Program	Number of Budgeted FTEs FY 2016	Actual FTEs as of August 31, 2016	Actual Expenditures
Licensing and regulation of marriage and family therapists	3.53	3.53	\$258,286
<b>TOTAL</b>	<b>3.53</b>	<b>3.53</b>	<b>\$258,286</b>

[Table 22 Exhibit 10 List of Program FTEs and Expenditures](#)

**Texas State Board of Examiners of Marriage and Family Therapists**  
**Exhibit 10: List of Program FTEs and Expenditures — Fiscal Year 2017**

Program	Number of Budgeted FTEs FY 2017	Actual FTEs as of August 31, 2017	Actual Expenditures
Licensing and regulation of marriage and family therapists	3.33	3.33	unavailable until December 2017
<b>TOTAL</b>	<b>3.33</b>	<b>3.33</b>	<b>unavailable until December 2017</b>

[Table 23 Exhibit 10 List of Program FTEs and Expenditures](#)

## VII. Guide to Agency Programs

### A. Provide the following information at the beginning of each program description.

**Name of Program or Function:** Licensing and regulation of marriage and family therapists

**Location/Division:** Professional Licensing and Certification Unit  
Texas Department of State Health Services  
8407 Wall Street, Austin, TX 78754

**Contact Name:** Cheryl Gomez, Executive Director

**Actual Expenditures, FY 2016:** \$258,286 (FY 2017 data is not yet available.)

**Number of Actual FTEs as of August 31, 2016:** 3.53 (FY 2017 data is not yet available.)

**Statutory Citation for Program:** Chapter 502, Occupations Code

### B. What is the objective of this program or function? Describe the major activities performed under this program.

The board's mission is to regulate marriage and family therapists in Texas in order to improve and maintain standards for the profession and to protect the public. The board accomplishes these goals by establishing and administering qualifications for licensure and license renewal and enforcing standards for the profession.

Major activities include:

- Adopt rules to administer and enforce Chapter 502, Occupations Code;
- Process, evaluate, and approve applications to become licensed marriage and family therapists (LMFT) and licensed marriage and family therapists associates (LMFTA)
- Issue new and renew licenses and/or specialty recognition to qualified LMFTs and LMFTAs;
- Process consumer complaints against license holders;
- Investigate and present complaints to the Ethics Committee, and impose enforcement sanctions against license holders found to be in violation of the law or rules; and
- Provide public information through the DSHS website concerning the regulation of marriage and family therapists.

**C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? Provide a summary of key statistics and outcome performance measures that best convey the effectiveness and efficiency of this function or program.**

The program's workload statistics demonstrate overall effectiveness and efficiency. This includes annual totals of:

- persons licensed as marriage and family therapists and marriage and family therapist associates;
- complaints received;
- jurisdictional complaints resolved; and
- disciplinary actions taken.

See Attachment 2, Health Professions Council's Annual Report for fiscal years 2015 and 2016 for details on the above-listed totals.

DSHS also performs specific activities related to assessing customer service, including a customer comment survey. Survey results in summary form are provided to the staff and board for analysis and improvements. See Attachment 20 for the Customer Survey and quarterly evaluations of the Customer Survey data.

**D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent.**

Refer to Section III – History and Major Events.

**E. Describe who or what this program or function affects. List any qualifications or eligibility requirements for persons or entities affected. Provide a statistical breakdown of persons or entities affected.**

The functions directly affect marriage and family therapists and the Texas consumers they serve. In fiscal year 2016, there were 3,531 licensed marriage and family therapists and licensed marriage and family therapist associates. The board does not collect data on how many clients those license holders serve.

Eligibility criteria for licensure are stipulated in Section 502.252, Occupations Code, and qualifications for licensure are found in Subchapters F and G, Chapter 801, Title 22 Texas Administrative Code.

An eligible applicant must: (1) be at least 18 years of age; (2) have completed a graduate internship in marriage and family therapy; (3) pass the license examination and jurisprudence examination; (4) hold a master's or doctoral degree in marriage and family therapy from a regionally accredited institution of higher education; (5) be of good moral character; (6) have not been convicted of a felony or a crime involving moral turpitude; (7) not use drugs or alcohol to an extent that affects the applicant's professional competency; (8) not have had a

license or certification revoked by a licensing agency or by a certifying professional organization; and (9) not have engaged in fraud or deceit in applying for a license under Occupations Code Chapter 502.

To qualify as a *Licensed Marriage and Family Therapist Associate (LMFTA)*, an applicant must demonstrate that he or she has:

- been conferred a master's or doctorate degree in marriage and family therapy or a related mental health field with course work and training equivalent to a graduate degree in marriage and family therapy;
- submitted a supervisor agreement form; and
- passed the licensure examination administered nationally by Association of Marital and Family Therapy Regulatory Boards (AMFTRB).

To qualify as a *Licensed Marriage and Family Therapist (LMFT)*, an LMFTA must have renewed his or her associate license at least once and must demonstrate that he or she has

- been conferred a master's or doctorate degree in marriage and family therapy or a related mental health field with course work and training equivalent to a graduate degree in marriage and family therapy;
- completed 3,000 hours of board-approved, supervised clinical experience over a period of at least two years. Of the 3,000 required hours, 1,500 hours must be accrued from direct clinical services, and 750 hours of these 1,500 hours must be accrued while providing services to couples or families; and
- accrued a minimum of 200 hours of board-approved supervision, over the course of the 3000 hours of experience, with a board-approved supervisor.

In addition, all applicants for a license must complete the board's jurisprudence examination and submit proof of completion at the time of application. The jurisprudence examination must have been completed no more than six months prior to the date of application.

Recognition as a *Board-approved Supervisor* is stipulated in Section 801.143, Title 22 Texas Administrative Code as follows: A board-approved supervisor with a master's degree must have held the LMFT for at least three years and accrued at least 3,000 hours of marriage and family therapy practice. A board-approved supervisor with a doctoral degree must have held the LMFT for at least one year and accrued at least 1,000 hours of marriage and family therapy practice. In addition, a board-approved supervisor must demonstrate completion of a one-semester graduate course in marriage and family therapy supervision from an accredited institution or complete a board-approved supervisor's training program. Finally, a board-approved supervisor must file an application and pay the applicable fee.

In lieu of meeting the above-listed qualifications, a person is an acceptable supervisor if the person is licensed by the board and has been designated as an approved supervisor or supervisor candidate by the American Association for Marriage and Family Therapy (AAMFT) before the person provides any supervision.

**F. Describe how your program or function is administered. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

Rulemaking processes are carried out in accordance with the Administrative Procedure Act; Chapter 502, Occupations Code; and the policies and procedures of DSHS. See Attachment VII-F1 for the Application for Licensure Process flowchart and Attachment VII-F2 for the Complaint /Enforcement Process flowchart.

**G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

Fees collected on behalf of the Texas State Board of Examiners of Marriage and Family Therapists are deposited into the General Revenue Fund.

**H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.**

There is no other state or federal agency that regulates marriage and family therapists in Texas. There are state boards and councils that regulate other mental health-related occupations, such as psychologists, social workers, professional counselors, and sex offender treatment providers.

**I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

The board's licensure activities are distinct from the other programs listed in Question H, and there is no duplication or conflict. There are no memorandums of understanding, interagency agreements, or interagency contracts in effect.

**J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

DSHS staff does not routinely interact with local, regional, or federal units of government. Occasionally, there is a need for cooperation or coordination with local law enforcement concerning a complaint investigation, or the marriage and family therapist regulatory body in another jurisdiction, or state and federal agencies related to Medicaid/Medicare fraud. The

board cooperates with investigations into licensee wrongdoing and takes action either in conjunction with other agencies, sharing information with another agency, or in response to information shared by another agency.

**K. If contracted expenditures are made through this program please provide:**

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2014;
- the number of contracts accounting for those expenditures;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

N/A

**L. Provide information on any grants awarded by the program.**

N/A

**M. What statutory changes could be made to assist this program in performing its functions? Explain.**

See Section IX – Major Issues.

**N. Provide any additional information needed to gain a preliminary understanding of the program or function.**

N/A

**O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:**

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

The regulation of marriage and family therapists is necessary as a means to protect and promote the public health, safety, and welfare of Texans. The regulation of marriage and family therapists is intended to ensure that persons seeking mental health counseling or marriage and family therapy services are receiving services from a qualified practitioner.

Chapter 502, Occupations Code, does not provide authority for routine inspections or compliance audits of the licensee's worksite. When received, a consumer complaint is evaluated and, if appropriate, sent to investigations. Complaint files are presented to the Ethics

Committee for review, determination of whether a violation has occurred, and the imposition of disciplinary action, if appropriate. The committee makes its recommendation, which is distributed to the licensee via a Notice of Violation.

When non-compliance is identified, a number of follow-up actions may be taken. In a complaint matter, the license holder may be required to complete additional continuing education and/or enforcement sanctions. DSHS staff monitors enforcement orders and report non-compliance to the Ethics Committee for appropriate disposition. If another complaint is received, or if there is reason to believe the problem has not been resolved, the matter is re-investigated and submitted to the Ethics Committee for further disposition.

The board is authorized to impose a broad range of enforcement sanctions to ensure compliance with law and rules. These sanctions include denial of an application or renewal, administrative penalties, emergency suspension, reprimand, suspension, probation, and revocation. Procedures for handling consumer complaints are illustrated Attachment VII-F2-O.

**P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency’s practices.**

**Texas State Board of Examiners of Marriage and Family Therapists  
Exhibit 11: Information on Complaints Against Regulated Persons or Entities  
Fiscal Years 2014-2017\***

*\*Some Fiscal Year 2017 Data Is Not Yet Available*

	Fiscal Year 2014	Fiscal Year 2015	Fiscal Year 2016	Fiscal Year 2017
Total number of regulated persons	3,385	3,511	3,531	Not yet available
Total number of regulated entities	0	0	0	0
Total number of entities inspected	0	0	0	0
Total number of investigations	16	16	61	33
Total number of complaints received from the public	49	47	49	60
Total number of complaints initiated by agency	1	3	1	Not yet available
Number of complaints pending from prior years	71	59	115	Not yet available
Number of jurisdictional complaints received	49	49	48	54
Number of jurisdictional complaints resolved	26	28	41	101
Average number of days for complaint resolution	688	639	832	Not yet available
Complaints resolutions - Disciplinary action:	2	2	3	6
Administrative penalty	0	0	0	0
Reprimand	0	0	0	0
Probation	2	0	0	3
Suspension	0	0	2	1
Revocation	0	0	0	0
Denial	0	0	0	0
Surrender	0	2	1	2
Complaint resolutions - Other	24	26	38	95
No violation	12	10	7	62
Non-substantiated	0	1	4	5
Violation found and corrected	2	0	1	1
Withdrawal	0	0	1	1
License expiration	3	3	4	3
Warning letter	7	9	19	18
Cease and desist letter	0	3	2	5

Table 24 Exhibit 11 Information on Complaints Against Persons or Entities

## VIII. Statutory Authority and Recent Legislation

- A. Fill in the following charts, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Information Act, the Open Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General opinions from FY 2011–2015, or earlier significant Attorney General opinions, that affect your agency’s operations.

### Texas State Board of Examiners of Marriage and Family Therapists Exhibit 12: Statutes / Attorney General Opinions

#### Statutes

Citation / Title	Authority / Impact on Agency <i>(e.g., “provides authority to license and regulate nursing home administrators”)</i>
Occupations Code, Chapter 502 / Licensed Marriage and Family Therapists Act	Creates the Texas State Board of Examiners of Marriage and Family Therapists within DSHS and provides authority to regulate and discipline marriage and family therapists.
Occupations Code, Chapter 101 / Health Professions Council Act	Creates the Health Professions Council and defines membership to include the licensing boards and programs of the health licensing division of DSHS (including the Texas State Board of Examiners of Marriage and Family Therapists).
Occupations Code, Chapter 53 / Consequences of Criminal Conviction	Provides authority to revoke, suspend, or deny a license based on criminal convictions in certain circumstances.
Education Code, § 57.491 / Loan Default Ground for Non-renewal of Professional or Occupational License	Prohibits the board from renewing the license of a licensee whose name is on a default list provided by the Texas Guaranteed Student Loan Corporation.
Family Code, Chapter 232 / Suspension of License	Requires the board to suspend a license upon receipt of a court order suspending the license for failure to comply with the terms of a child custody order or failing to pay child support.
Title IV, Public Law 99-660, Health Care Quality Improvement Act of 1986 and 45 CFR, Part 60.	Establishes the National Practitioners Data Bank. Requires the board to report certain disciplinary actions to the NPDB.

Table 25 Exhibit 12 Statutes

**Attorney General Opinions**

Attorney General Opinion No.	Impact on Agency
ORD-2011-08927	Complaint information not subject to disclosure under Chapter 552, Government Code, Public Information Act.
Opinion No. GA-0944, May 30, 2012, related to Family Code, § 261.101(b)	A mental health professional is not required to report abuse or neglect that he or she believes occurred during an adult patient's childhood.
Opinion No. GA-1089, December 1, 2014, related to Government Code § 531.021(a); Human Resource Code § 32.021(a); Insurance Code § 1451.104	Confirms the Health and Human Services Commission’s rule Section 355.8091, Texas Administrative Code — Counseling services provided by a licensed professional counselor, a licensed master social worker-advanced clinical practitioner, or a licensed marriage and family therapist ... are reimbursed at 70 percent of the existing fee for similar services provided by psychiatrists and psychologists as described in Section 355.8085 of this title (relating to Texas Medicaid Reimbursement Methodology (TMRM)) — is not contrary to, nor does it conflict with, Section 1451.104, Insurance Code, and does not govern a contract for services between a managed care organization and a health service provider.

Table 26 Exhibit 12 Attorney General Opinions

- B. Provide a summary of recent legislation regarding your agency by filling in the charts below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation). Place an asterisk next to bills that could have a major impact on the agency. See Exhibit 13 Example.**

**Texas State Board of Examiners of Marriage and Family Therapists  
Exhibit 13: 84th Legislative Session**

**Legislation Enacted**

Bill Number	Author	Summary of Key Provisions
SB 200	Nelson, et al.	<p>Senate Bill 200 takes a phased approach to restructuring the health and human services system, including transferring the Department of Assistive and Rehabilitative Services; client services at the Department of Aging and Disability Services, the Department of Family and Protective Services (DFPS) and the Department of State Health Services (DSHS); and certain administrative services to HHSC on September 1, 2016. Regulatory programs as well as state supported living centers and state hospitals will transfer to HHSC on September 1, 2017. Senate Bill 200 requires HHSC to develop and submit a detailed transition plan for moving all programs and functions to the newly created Transition Legislative Oversight Committee.</p> <p>In addition, Senate Bill 200 directs the executive commissioner, not later than September 1, 2018, to conduct a study and submit a report and recommendation to the Transition Legislative Oversight Committee regarding the need to continue the DFPS and DSHS as state agencies separate from the commission.</p>

Bill Number	Author	Summary of Key Provisions
SB 202	Nelson, et al.	Senate Bill 202 transfers to the Texas Department of Licensing And Regulation (TDLR), during the biennium ending August 31, 2017, six health-related programs; transfers three health-related programs and one independent board to the Texas Medical Board as soon as practicable after September 1, 2015; and deregulates 9 programs — all currently supported by DSHS PLCU. The Texas State Board of Social Worker Examiners, the Texas State Board of Examiners of Professional Counselors, the Texas State Board of Examiners of Marriage and Family Therapists, and the Licensed Chemical Dependency Counselor Program are unaffected by Senate Bill 202 and remain supported by DSHS PLCU. While the PLCU may move into another group or organizational structure, no impact to the key functions of the Texas State Board of Examiners of Marriage and Family Therapists is anticipated at this time.
SB 807	Campbell	Senate Bill 807 amended the Chapter 55, Occupations Code, requiring the board, by rule, to implement procedures to “waive the license application and examination fees paid to the state” for certain military service members, military veterans, or military spouses.
SB 1307	Menéndez	Senate Bill 1307 amended the Chapter 55, Occupations Code, requiring the board, by rule, to extend the deadline for military service members to meet license renewal requirements; provide alternative licensing and expedited license issuance and renewal procedures for military service members, military veterans, and military spouses; and establish apprenticeship requirements for applicants with military experience; as well as a required notice on the homepage of the board’s website describing the above-listed provisions that are available to military service members, military veterans, and military spouses.
HB 1449	Thompson, et al	House Bill 1449 amended the Texas Family Code as it relates to child custody evaluations and adoption evaluations conducted and testimony provided in certain suits affecting the parent-child relationships.

Table 27 Exhibit 13 Legislation Enacted 84th Leg

**Legislation Not Passed**

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HB 3662	Hughes, et al	House Bill 3662 sought to amend Chapter 105, Civil Practice and Remedies Code, related to recovery of damages, attorney’s fees, and costs related to frivolous regulatory actions by state agencies.
HB 3713	Schaefer	House Bill 3713 sought to amend Subchapter A, Chapter 215, Local Government Code, related to the authority of a municipality to regulate occupations.
HB 3877 / HB 3898 (duplicate)	Sanford	House Bill 3877 sought to amend Chapter 55, Occupations Code, related to active duty personnel and exemption from penalty for failure to renew license as well as extension of certain deadlines for active duty military personnel.
HB 3974	Darby	House Bill 3974 sought to add Chapter 116 to Occupations Code, related to the records of certain disciplinary actions against health care professionals.
HB 3995	Romero	House Bill 3995 sought to amend Subchapter A, Chapter 502, Occupations Code, authorize marriage and family therapists to diagnose clients in connection with billing purposes.

Table 28 Exhibit 13 Legislation Not Passed 84th Leg

## IX. Major Issues

### ISSUE 1: Authority to Assess, Diagnose, and Evaluate

#### A. Brief Description of Assess, Diagnose, and Evaluate

The statute should specifically authorize licensed marriage and family therapists (LMFTs) to assess, diagnose, and evaluate mental health disorders utilizing the Diagnostic and Statistical Manual of Mental Disorders, the International Classification of Diseases, and other appropriate classification systems. In order to receive reimbursement from insurance providers, LMFTs must provide a diagnosis for each billed session.

#### B. Discussion

**Background.** The Texas Medical Association (TMA) filed suit against the Texas State Board of Examiners of Marriage and Family Therapists (board) in 2008 (Cause Number 03-13-00077-CV). The lawsuit by TMA challenges two administrative rules of the board concerning the scope of practice for LMFTs in the state of Texas. At issue is the authority of LMFTs to diagnose mental health disorders in patients/clients using appropriate diagnostic classification systems. Directly related to this is the authority of LMFTs to create and implement ever-evolving treatment plans based on ongoing assessment and diagnosis of mental health disorders of patients/clients.

LMFTs have specific training in assessment and diagnosis of mental health disorders, through academic coursework, graduate practicum, and 2 years of post-graduate internship under qualified supervision. Presently, mental health providers base diagnosis on careful assessment and evaluation gained through the course of a biopsychosocial history. Because mental disorders describe processes, not people, LMFTs are concerned with how a person interacts with his or her environment; what impact environmental factors have on the presenting problems, his or her past behavior, attitudes, and emotions; and the role culture plays in the maintenance of the presenting problems.

These assessment processes allow LMFTs to gain insight into the various criteria necessary to diagnose the client. Clinical judgment based on assessment and diagnosis informs and guides the development of an appropriate treatment plan. Each session includes ongoing reassessment of the diagnosis and progress towards the agreed-upon treatment goals.

Accepted standards of care (including Health Insurance Portability and Accountability Act (HIPAA)) dictate that a diagnosis be included for every session. It is imperative that LMFTs maintain the authority to independently diagnose their clients both at the onset and throughout the course of treatment. Without diagnosis codes, LMFTs are unable to bill insurance, and thus LMFTs ability to provide services to a large portion of the population may be jeopardized. Amending the statute simply allows LMFTs to continue practicing as they always have and maintains direct access to mental health care by Texans served by LMFTs.

### C. Possible Solutions and Impact

It is important to note that adding language to Section 502.0021, Occupations Code, to specifically include the word “diagnosis” which is limited in scope to only include mental health disorders and not physical illnesses or disorders, as the board has authorized in rule for years, will not increase the scope of practice for LMFTs. It will simply allow LMFTs to continue to provide mental health services independently, using the Diagnostic and Statistical Manual of Mental Disorders, the International Classification of Diseases, and other appropriate classification systems, as they have been doing for more than 20 years under the statutory authority granted to them by the Texas Legislature and by the rules carefully crafted and adopted by the board.

Possible language: Section 502.006(6), Occupations Code

(6) “Marriage and family therapy” means providing professional therapy services to individuals, families, or married couples, alone or in groups, that involve applying family systems theories and techniques. The term includes the evaluation, remediation, treatment, and diagnosis of cognitive, affective, behavioral, or relational dysfunction in the context of marriage or family systems using the Diagnostic and Statistical Manual of Mental Disorders, the International Classification of Diseases, and other diagnostic classification systems.

## X. Other Contacts

- A. Fill in the following charts with updated information on people with an interest in your agency, and be sure to include the most recent email address.

**Texas State Board of Examiners of Marriage and Family Therapists  
Exhibit 14: Contacts**

***Interagency, State, or National Associations and Interest Groups***

Group or Association Name/ Contact Person	Address	Telephone	Email Address
American Association for Marriage and Family Therapy	112 South Alfred Street Alexandria, VA 22314-3061	(703) 838-9808 (703) 838-9805 fax	memberservice@aamft.org
Texas Association for Marriage and Family Therapy / Dr. Chuck West, President	3616 Far West Blvd, Suite 117-357 Austin, TX 78731	(512) 649-5274	admin@tamft.org

Table 29 Exhibit 14 Interagency, State, and National Association

***Liaisons at Other State Agencies***

*(with which your agency maintains an ongoing relationship, e.g., the agency's assigned analyst at the Legislative Budget Board, or attorney at the Attorney General's office)*

Agency Name / Relationship / Contact Person	Address	Telephone	Email Address
Office of the Governor Appointments Division / Liz Doerr	Office of the Governor P.O. Box 12428 Austin, Texas 78711-2428  1100 San Jacinto Austin, TX 78701 Capitol Extension E1.008	(512) 463-1828 (512) 475-2576 fax	
Health Professions Council / John Monk, Administrative Officer	333 Guadalupe Street, Tower 2, Suite 220 Austin TX 78701-3942	(512) 305-8550 (512) 305-8553 fax	jmonk@hpc.texas.gov

Table 30 Exhibit 14 Liaisons at Other State Agencies

## XI. Additional Information

The Texas State Board of Examiners of Marriage and Family Therapists is administratively attached to the DSHS Professional Licensing and Certification Unit, and does not function as an independent state agency. DSHS provides the staff, facilities, and infrastructure necessary to accomplish the board’s mission and functions.

Due to the absence of a legislative appropriation, the board is unable to hire staff or expend funds in its own name. Some information requested in Sections V (Funding), VI (Organization), and XI (Additional Information) is available in a format that is specific to the board, with some necessary modifications, and the modified information is submitted in this report.

- A. Texas Government Code, Sec. 325.0075 requires agencies under review to submit a report about their reporting requirements to Sunset with the same due date as the SER. Include a list of each agency-specific report that the agency is required by statute to prepare and an evaluation of the need for each report based on whether factors or conditions have changed since the statutory requirement was put in place. Please do not include general reporting requirements applicable to all agencies, reports that have an expiration date, routine notifications or notices, posting requirements, federally mandated reports, or reports required by G.A.A. rider. If the list is longer than one page, please include it as an attachment.**

**Texas State Board of Examiners of Marriage and Family Therapists  
Exhibit 15: Evaluation of Agency Reporting Requirements**

Report Title	Legal Authority	Due Date and Frequency	Recipient	Description	Is the Report Still Needed? Why?
N/A					

*Table 31 Exhibit 15 Agency Reporting Requirements*

- B. Has the agency implemented statutory requirements to ensure the use of "person first respectful language"? Please explain and include any statutory provisions that prohibits these changes.**

Yes. See Attachment XI-B Respectful Language policy.

- C. Fill in the following chart detailing information on complaints regarding your agency. Do not include complaints received against people or entities you regulate. The chart headings may be changed if needed to better reflect your agency’s practices.

**Texas State Board of Examiners of Marriage and Family Therapists  
Exhibit 16: Complaints Against DSHS Staff — Fiscal Years 2013 and 2014**

	Fiscal Year 2013 (data collection began July 2013)	Fiscal Year 2014
Number of complaints received	0	1
Number of complaints resolved	0	1
Number of complaints dropped / found to be without merit	0	1
Number of complaints pending from prior years	0	0
Average time period for resolution of a complaint	0	1 day

Table 32 Exhibit 16 Complaints Against the Agency

- D. Fill in the following charts detailing your agency’s Historically Underutilized Business (HUB) purchases.

**Texas State Board of Examiners of Marriage and Family Therapists  
Exhibit 17: Purchases from HUBs**

***Fiscal Year 2013***

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal*	Statewide Goal
N/A					

Table 33 Exhibit 17 HUB Purchases for FY 2013

\* If your goals are agency specific-goals and not statewide goals, please provide the goal percentages and describe the method used to determine those goals. (TAC Title 34, Part 1, Chapter 20, Rule 20.13)

***Fiscal Year 2014***

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
N/A					

Table 34 Exhibit 17 HUB Purchases for FY 2014

**Fiscal Year 2015**

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
N/A					

Table 35 Exhibit 17 HUB Purchases for FY 2015

**E. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy? (Texas Government Code, Sec. 2161.003; TAC Title 34, Part 1, rule 20.15b)**

N/A

**F. For agencies with contracts valued at \$100,000 or more: Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available for contracts of \$100,000 or more? (Texas Government Code, Sec. 2161.252; TAC Title 34, Part 1, rule 20.14)**

N/A

**G. For agencies with biennial appropriations exceeding \$10 million, answer the following HUB questions.**

**1. Do you have a HUB coordinator? If yes, provide name and contact information. (Texas Government Code, Sec. 2161.062; TAC Title 34, Part 1, rule 20.26)**

N/A

**2. Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Texas Government Code, Sec. 2161.066; TAC Title 34, Part 1, rule 20.27)**

N/A

**3. Has your agency developed a mentor-protégé program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Texas Government Code, Sec. 2161.065; TAC Title 34, Part 1, rule 20.28)**

N/A

**H. Fill in the charts below detailing your agency’s Equal Employment Opportunity (EEO) statistics.**

**Texas State Board of Examiners of Marriage and Family Therapists  
Exhibit 18: Equal Employment Opportunity Statistics**

**1. Officials / Administration**

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
N/A							

Table 36 Exhibit 18 EEO Statistics for Officials/Administration

**2. Professional**

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
N/A							

Table 37 Exhibit 18 EEO Statistics for Professionals

**3. Technical**

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
N/A							

Table 38 Exhibit 18 EEO Statistics for Technical

**4. Administrative Support**

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
N/A							

Table 39 Exhibit 18 EEO Statistics for Administrative Support

**5. Service / Maintenance**

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
N/A							

Table 40 Exhibit 18 EEO Statistics for Service and Maintenance

**6. Skilled Craft**

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
N/A							

Table 41 Exhibit 18 EEO Statistics for Skilled Craft

**I. Does your agency have an equal employment opportunity policy? How does your agency address performance shortfalls related to the policy?**

N/A