

DISCIPLINARY ACTIONS (reported to the National Practitioner Databank and posted on website)

Level 5: Reprimand (Administrative Penalty: not less than \$250; no more than \$1,000 per day)

- _____ Failure to inform consumer of all required items, provide a written explanation of treatment and charges [§§781.201(a)(6); 781.203(7); 781.204(a); 781.209(5); 781.213(b); and 781.215(a)]
- _____ Failure to discourage others from making exaggerated or false claims [§781.204(i)]
- _____ Failure to protect individual from harm resulting from individual or group setting [§781.204(o)]
- _____ Failure to inform client about testing as part of treatment [§781.207(a)]
- _____ Appropriate, reproduce, or modify published tests or parts thereof without publisher's permission [§781.207(b)]
- _____ Failure to report name or address change to the board within 30 days of change [§§781.212(c); 781.416(a)(1)]
- _____ Failure to inform client of board name, address, and telephone number for purposes of filing a complaint [§781.214(a)]
- _____ Failure to set and maintain proper supervisor-supervisee relationship [§781.404(b)(11)(E) and (L)]
- _____ Failure to ensure supervisee knows of, and complies with, all board rules [§781.404(b)(11)(K)]
- _____ Failure to develop and implement written supervision remediation plan [§781.404(b)(12)(G)]
- _____ Failure to keep accurate records, keep records for appropriate retention period [§§781.204(f); 781.209(1) and (4)]
- _____ Failure to assess proper fee(s), maintain accurate billing records [§§781.204(g); 781.210(d)]
- _____ Failure to establish a plan for custody of records when professional services cease [§781.209(3)]
- _____ Failure to maintain written release of information in permanent record, review and update [§781.211(e)]
- _____ Failure to maintain and timely submit accurate supervised experience records [§781.404(b)(11)(A)]
- _____ Make misleading, exaggerated, or false claims [§§781.201(a)(2); 781.204(h); 781.206(a) and (b); 781.216(a), (c), and (d)]
- _____ Failure to base all services on an assessment, evaluation or diagnosis of the client; evaluate client's condition without personally interviewing client or disclosing that a personal interview has not been completed [§§781.201(a)(5); 781.203(3)]
- _____ Failure to maintain client confidentiality except when disclosure is prescribed by statute or board rules [§§781.201(a)(7); 781.209(6); 781.211(b) and (g)]
- _____ Failure to set and maintain professional boundaries and avoid dual relationships [§§781.201(a)(8); 781.204(e), (l), and (q)]
- _____ Failure to evaluate a client's progress on a continuing basis to guide service delivery and make use of supervision and consultation as indicated by client's needs [§§781.201(a)(12)]
- _____ Failure to inform other provider when providing concurrent therapy [§781.203(1)]
- _____ Failure to obtain informed consent (or court order) with all related items [§781.203(9)]
- _____ Engage in activities to personal needs or for personal gain; promotion of personal

or business activities that are unrelated to the current professional relationship
[§781.204(d) and (p)]

Accept from or give gift to a client with a value in excess of \$25.00 [§781.204(m)]

Failure to comply with Texas Health and Safety Code concerning access to
mental health records; release information only with a written permission signed
by client or client guardian [§§781.211(c) and (d)]

Failure to report alleged violation to the board (except sexual misconduct)
[§781.212(b)]

Failure to cooperate with board investigation and provide timely response to
request for information [§§781.212(f); 781.602(a)(2)]

Display a license certificate or card which has been reproduced, expired,
suspended, or revoked [§781.215(c)]

Failure to assume responsibility for human subject's emotional, physical, and
social welfare when conducting research [§§781.217(a)]

Failure to provide written information to parties in child custody or adoption
evaluations [§781.222(h)(1) and (2)]

Charge or collect a fee or anything of value from employee or contract employee
for supervision [§781.404(b)(11)(C)]

Provide supervision to a family member [§781.404(b)(11)(F)]

Failure to develop and update supervision plan [§781.404(b)(11)(P)]

Failure to submit written report to the board within 30 days of arrest, filing of
criminal case, deferred adjudication, criminal conviction, settlement or judgment
in civil suit, or complaint, investigation, or action by governmental agency or
other licensing or certifying body [§781.416(a)(2)-(5)]

Failure to terminate non-beneficial counseling relationship; transfer client to
appropriate care [§§781.201(a)(13); 781.203(2)]

Level 4: Probated Suspension (Admin Penalty: not less than \$250; no more than \$2,000 per day)

Refuse to serve a client based solely on basis of discrimination [§781.201(a)(1)]

Failure to practice within scope of competency and accepted professional
standards as appropriate to client's needs [§§781.201(a)(3), 781.202(d), (e), and (g)-(i);
781.203(4); 781.221(ff); 781.222(i)]

Exploit a position of trust with client or former client [§781.201(a)(11)]

Failure to assume responsibility for clients during bartering of services [§781.203(8)]

Enter into a business relationship with a client [§781.204(c)]

Failure to provide services in the context of a professional relationship [§781.204(j)]

Borrow or lend money or items of value to clients or relatives of clients
[§§781.204(n)]

Failure to report alleged sexual misconduct to the board [§781.205(g)(1)-(4)]

Failure to administer or interpret test only with training and experience [§781.207(c)]

Failure to retain and dispose of client records in ways that maintain confidentiality
[§781.209(2)]

Knowingly or flagrantly overcharge; bill for improper, unreasonable or
unnecessary services [§781.210(c) and (e)]

Failure to report information concerning abuse or neglect of minors, elderly, or
disabled; report exploitation by a mental health services provider [§781.211(f)(1-4)]

- _____ Failure to ensure subject's identity and confidentiality when obtaining data from a professional relationship for purposes of research [§781.217(b)]
- _____ Provide therapy and any other type of service, including but not limited to a child custody evaluation or parenting facilitation, in the same case [§§781.220(e); 781.221(d); 781.222(f)]
- _____ Failure to supervise only supervisees within scope of competency [§781.404(b)(1)]
- _____ Failure to clearly indicating services, licensure category, and that supervisee is under supervision on billing documentation [§781.404(b)(11)(H)]
- _____ Failure to address issues outlined in board ordered supervision [§781.404(b)(13)(B)]

Level 3: Suspension (less than a year, Admin Penalty: not less than \$250; no more than \$3,000 per day)

- _____ Practice while impaired by alcohol or drugs or use any illegal drug; promote, encourage, or concur in the illegal use or possession of alcohol or drugs [§§781.201(a)(10) and 781.208]
- _____ Offer to pay or agree to accept any remuneration for securing or soliciting clients or patronage [§§781.204(b); 781.210(a) and (b)]
- _____ Provide expert opinion or recommendation without conducting appropriate child custody evaluation [§781.222(g)]
- _____ Failure to maintain qualifications of supervisory status while providing supervision [§781.404(b)(10)]
- _____ Provide supervision without having met all requirements for current, valid board-approved supervisor status [§781.404(b)(11)(J)]
- _____ Failure to inform all supervisees of termination of supervisor status and help them to find alternate supervision [§781.404(b)(11)(M)]

Level 2: Suspension (one year or more, Admin Penalty: not less than \$250; no more than \$4,000 per day)

- _____ Alter license certificate [§781.215(b)]

Level 1: Revocation (Admin Penalty: not less than \$250; no more than \$5,000 per day)

- _____ Engage in sexual misconduct; therapeutic deception [§§781.201(a)(9); 781.205(b) and (c)]
- _____ Aid or abet unlicensed practice [§781.203(5)]
- _____ Participate in falsifying documents submitted to the board [§781.203(6)]
- _____ Continue to supervise or fail to refund all supervisory fees paid after termination or expiration of supervisor status [§781.404(b)(11)(N) and (O)]
- _____ Failure to comply with board order [§781.602(a)(3), and (9)]