

Figure: 22 TAC §681.205

<u>Rule</u>			<u>Action</u>
<u>§681.41(a)</u>	-	<u>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:</u>	<u>L5</u>
-	<u>1</u>	<u>the effectiveness of services;</u>	<u>L5</u>
-	<u>2</u>	<u>the licensee's qualifications, capabilities, background, training, experience, education, professional affiliations, fees, products, or publications; or</u>	<u>L5</u>
-	<u>3</u>	<u>the practice or field of counseling.</u>	<u>L5</u>
<u>§681.41(b)</u>	-	<u>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.</u>	<u>L5</u>
<u>§681.41(c)</u>	-	<u>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 must take immediate and reasonable action to correct the ideas held.</u>	<u>L5</u>
<u>§681.41(d)</u>	-	<u>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.</u>	<u>L5</u>
<u>§681.41(e)</u>	-	<u>Regardless of setting, a licensee must provide counseling only in the context of a professional relationship. Prior to providing services, a licensee must 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:</u>	<u>L4</u>
-	<u>1</u>	<u>fees and arrangements for payment;</u>	<u>L4</u>
-	<u>2</u>	<u>counseling purposes, goals, and techniques;</u>	<u>L4</u>
-	<u>3</u>	<u>any restrictions placed on the license by the Council;</u>	<u>L4</u>
-	<u>4</u>	<u>the limits on confidentiality;</u>	<u>L4</u>
-	<u>5</u>	<u>any intent of the licensee to use another individual to provide counseling treatment intervention to the client; and</u>	<u>L4</u>
-	<u>6</u>	<u>supervision of the licensee by another licensed health care professional including the name, address, contact information and qualifications of the supervisor;</u>	<u>L4</u>
-	<u>7</u>	<u>the name, address and telephone number of the Council for the purpose of reporting violations of the Act or this chapter; and</u>	<u>L4</u>
-	<u>8</u>	<u>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.</u>	<u>L4</u>

<u>§681.41(f)</u>	-	<u>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.</u>	<u>L4</u>
<u>§681.41(g)</u>	-	<u>Technological means of communication may be used to facilitate the therapeutic counseling process.</u>	<u>L5</u>
<u>§681.41(h)</u>	-	<u>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.</u>	<u>L3</u>
<u>§681.41(i)</u>	-	<u>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.</u>	<u>L3</u>
<u>§681.41(j)</u>	-	<u>A licensee must not engage in activities for the licensee's personal gain at the expense of a client.</u>	<u>L4</u>
<u>§681.41(k)</u>	-	<u>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.</u>	<u>L4</u>
<u>§681.41(l)</u>	-	<u>A licensee must set and maintain professional boundaries.</u>	<u>L4</u>
<u>§681.41(m)</u>	-	<u>Except as provided by this subchapter, non-therapeutic relationships with clients are prohibited.</u>	<u>L4</u>
-	<u>2</u>	<u>A licensee may not engage in a non-therapeutic relationship with a client if the relationship begins less than two (2) years after the end of the counseling relationship; the non-therapeutic relationship must be consensual, not the result of exploitation by the licensee, and is not detrimental to the client.</u>	<u>L4</u>
-	<u>3</u>	<u>A licensee may not engage in sexual contact with a client if the contact begins less than five (5) years after the end of the counseling relationship; the non-therapeutic relationship must be consensual, not the result of exploitation by the licensee, and is not detrimental to the client.</u>	<u>L1</u>
-	<u>5</u>	<u>The licensee must not provide counseling services to previous or current: (A) family members; (B) personal friends; (C) educational associates; or (D) business associates.</u>	<u>L5</u>
-	<u>6</u>	<u>The licensee must not give or accept a gift from a client or a relative of a client valued at more than \$50, 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.</u>	<u>L5</u>
-	<u>7</u>	<u>The licensee must 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.</u>	<u>L4</u>

§681.41(n)	-	<u>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.</u>	<u>L5</u>
§681.41(p)	-	<u>The licensee must take reasonable precautions to protect clients from physical or emotional harm resulting from interaction;</u>	<u>L5</u>
§681.41(q)	-	<u>For each client, a licensee must keep accurate records of:</u>	<u>L5</u>
-	<u>1</u>	<u>signed informed consent, signed written receipt of information, or in the case of involuntary treatment a copy of the appropriate court order</u>	<u>L4</u>
-	<u>2</u>	<u>intake assessment;</u>	<u>L5</u>
-	<u>3</u>	<u>dates of counseling treatment intervention;</u>	<u>L5</u>
-	<u>4</u>	<u>principal treatment methods;</u>	<u>L5</u>
-	<u>5</u>	<u>progress notes;</u>	<u>L5</u>
-	<u>6</u>	<u>treatment plan; and</u>	<u>L5</u>
-	<u>7</u>	<u>billing information.</u>	<u>L5</u>
§681.41(r)	-	<u>Records held by a licensee must be kept for a minimum of seven (7) years from the date of termination of services with the client or five (5) years after the client reaches age of majority, whichever is greater.</u>	<u>L5</u>
§681.41(t)	-	<u>Billing Requirements.</u>	-
-	<u>1</u>	<u>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.</u>	<u>L5</u>
-	<u>2</u>	<u>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.</u>	<u>L5</u>
-	<u>3</u>	<u>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.</u>	<u>L5</u>
-	<u>4</u>	<u>A licensee may not knowingly overcharge a client.</u>	<u>L4</u>
-	<u>5</u>	<u>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.</u>	<u>L4</u>
§681.41(u)	-	<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.</u>	<u>L4</u>
§681.41(v)	-	<u>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</u>	<u>L5</u>

		<u>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.</u>	
<u>§681.41(w)</u>	-	<u>A licensee must terminate a professional counseling relationship when it is reasonably clear the client is not benefiting from the relationship.</u>	<u>L4</u>
<u>§681.41(x)</u>	-	<u>Upon termination of a relationship if professional counseling is still necessary, the licensee must take reasonable steps to facilitate the transfer to appropriate care.</u>	<u>L5</u>
<u>§681.41(y)</u>	-	<u>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.</u>	<u>L4</u>
<u>§681.41(z)</u>	-	<u>A licensee must not knowingly overtreat a client.</u>	<u>L4</u>
<u>§681.41(aa)</u>	-	<u>A licensee must not aid or abet the unlicensed practice of professional counseling by a person required to be licensed under the Act.</u>	<u>L1</u>
<u>§681.41(cc)</u>	-	<u>A licensee or an applicant for licensure must not participate in any way in the falsification of applications for licensure or renewal of license.</u>	<u>L1</u>
<u>§681.42(b)</u>	-	<u>A licensee must not engage in sexual contact with or sexual exploitation of a person who is:</u>	-
-	<u>1</u>	<u>a client</u>	<u>L1</u>
-	<u>2</u>	<u>an LPC Associate supervised by the licensee; or</u>	<u>L1</u>
-	<u>3</u>	<u>a student of a licensee at an educational institution at which the licensee provides professional or educational services.</u>	<u>L1</u>
<u>§681.42(c)</u>	-	<u>A licensee must not practice therapeutic deception of a client.</u>	<u>L1</u>
<u>§681.42(f)</u>	-	<u>A licensee must report sexual misconduct as follows:</u>	-
-	<u>1</u>	<u>If a licensee has reasonable cause to suspect a client, LPC Associate, or student has been the victim of sexual exploitation, sexual contact, or therapeutic deception by another licensee or a mental health provider, or if a client, LPC Associate, or student alleges sexual exploitation, sexual contact, or therapeutic deception by another licensee or a mental health services provider, the licensee must 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:</u>	<u>L5</u>
-	-	<u>(A) the prosecuting attorney in the county in which the alleged sexual exploitation, sexual contact or therapeutic deception occurred;</u>	<u>L5</u>
-	-	<u>(B) the Council if the conduct involves a licensee and any other state licensing agency which licenses the mental health provider; and</u>	<u>L5</u>
-	-	<u>(C) to the appropriate agency listed in §681.45 of this title (relating to Confidentiality and Required Reporting).</u>	<u>L5</u>
-	<u>2</u>	<u>Before making a report under this subsection, the reporter must inform the alleged victim of the reporter's duty to report and must determine if the alleged victim wants to remain anonymous.</u>	<u>L5</u>
<u>§681.43(a)</u>	-	<u>Prior to or following the administration of any test, a licensee must make known to clients the purposes and explicit use to be made of the test as a part of a professional counseling relationship.</u>	<u>L5</u>

<u>§681.43(b)</u>	-	<u>A licensee must not appropriate, reproduce, or modify copyrighted tests or any parts thereof without the acknowledgment and permission of the copyright owner.</u>	<u>L5</u>
<u>§681.43(c)</u>	-	<u>A licensee must not administer any test without the appropriate training and experience to administer and interpret the test.</u>	<u>L4</u>
<u>§681.43(d)</u>	-	<u>A licensee must observe the necessary precautions to maintain the security of any test administered by the license or under the licensee's supervision.</u>	<u>L5</u>
<u>§681.43(e)</u>	-	<u>In accordance with the §503.003(b)(1) of 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.</u>	<u>L5</u>
<u>§681.44</u>	-	<u>A licensee must not:</u>	-
-	<u>1</u>	<u>use alcohol or drugs in a manner that adversely affects the licensee's ability to provide counseling;</u>	<u>L3</u>
<u>§681.45(b)</u>	-	<u>A licensee must 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.</u>	<u>L4</u>
<u>§681.45(c)</u>	-	<u>A licensee must comply with Texas Health and Safety Code, Chapters 181 and 611, concerning access to mental health records and confidential information.</u>	<u>L4</u>
<u>§681.45(d)</u>	-	<u>A licensee must report information as required by the following statutes:</u>	-
-	<u>1</u>	<u>Texas Family Code Chapter 261, Subchapter B, concerning report of abuse or neglect of minors;</u>	<u>L4</u>
-	<u>2</u>	<u>Texas Human Resources Code Chapter 48, Subchapter B, concerning reports of abuse, neglect, or exploitation of elderly or disabled persons;</u>	<u>L4</u>
-	<u>3</u>	<u>Texas Health and Safety Code Chapter 161, Subchapter L, concerning abuse, neglect, and unprofessional or unethical conduct in health care facilities; and</u>	<u>L4</u>
-	<u>4</u>	<u>Texas Civil Practice and Remedies Code, §81.006, concerning duty to report sexual exploitation by a mental health provider.</u>	<u>L4</u>
-	<u>5</u>	<u>A licensee must comply with Texas Occupations Code §109.051 relating to the release of treatment information concerning the treatment of a sex offender.</u>	<u>L4</u>
<u>§681.46(b)</u>	-	<u>A licensee has the responsibility of reporting alleged violations of the Act or this chapter to the Council.</u>	<u>L5</u>
<u>§681.47(b)</u>	-	<u>An assumed or trade name used by a licensee must not be false, deceptive, or misleading as those terms are described in §681.49(b) of this title (relating to Advertising and Announcements).</u>	<u>L5</u>
<u>§681.49(a)</u>	-	<u>Information used by a licensee in any advertisement or announcement must 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.</u>	<u>L5</u>
<u>§681.49(d)</u>	-	<u>The highest academic degree in counseling or a counseling-related field earned from an accredited school may be used when advertising or announcing counseling treatment intervention to the public or in counseling-related professional representations. A degree in counseling or a counseling-related field received at a foreign university may be used if</u>	<u>L5</u>

		<u>the degree would be accepted as a transfer degree by an accredited school.</u>	
<u>§681.49(e)</u>	-	<u>Notwithstanding the foregoing, a licensee may advertise or announce his or her other degrees from an accredited school if the subject of the degree is specified.</u>	<u>L5</u>
<u>§681.49(g)</u>	-	<u>All advertisements or announcements of counseling including telephone directory listings by a person licensed by the Council must 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 Behavioral Health Executive Council" with reference to the "Texas State Board of Examiners of Professional Counselors."</u>	<u>L5</u>
<u>§681.49(h)</u>	-	<u>An LPC Associate must indicate intern status on all advertisements, billing, and announcements of counseling treatment by the use of the term "LPC Associate." On all advertisements, billings and announcements of counseling treatment by an LPC Associate, the associate's name must be followed by the name of the supervisor.</u>	<u>L5</u>
<u>§681.49(i)</u>	-	<u>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.</u>	<u>L5</u>
<u>§681.50(a)</u>	-	<u>In research with a human participant, a licensee must take reasonable precautions to ensure that the participant does not suffer emotional or physical harm.</u>	<u>L5</u>
<u>§681.50(b)</u>	-	<u>A licensee must 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.</u>	<u>L5</u>
<u>§681.50(c)</u>	-	<u>When conducting or reporting research, a licensee must give recognition to previous work on the topic as well as observe all copyright laws.</u>	<u>L5</u>
<u>§681.50(d)</u>	-	<u>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.</u>	<u>L5</u>
<u>§681.91(d)</u>	-	<u>An LPC Associate 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 Associate may not own an independent professional counseling practice.</u>	<u>L1</u>
<u>§681.91(l)</u>	-	<u>An LPC Associate must not accept direct payment for services from a client.</u>	<u>L4</u>
<u>§681.93(c)(2)</u>	-	<u>The supervisor may not be an employee of his or her LPC Associate.</u>	<u>L5</u>
<u>§681.93(a)</u>	-	<u>A supervisor must keep a written record of each supervisory session in the file for the LPC Associate.</u>	-
-	<u>1</u>	<u>The supervisory written record must contain:</u>	-
-	-	<u>(A) a signed and dated copy of the Council's supervisory agreement form for each of the LPC Associate's supervisors;</u>	<u>L5</u>
-	-	<u>(B) a copy of the LPC Associate's wall certificate noting the dates of issuance and expiration;</u>	<u>L5</u>

-	-	<u>(C) fees and record of payment;</u>	<u>L5</u>
-	-	<u>(D) the date of each supervisory session;</u>	<u>L5</u>
-	-	<u>(E) a record of an LPC Associate's leave of one month or more, documenting the supervisor's approval and signed by both the LPC Associate and the supervisor; and</u>	<u>L5</u>
-	-	<u>(F) a record of any concerns the supervisor discussed with the LPC Associate, including a written remediation plan as prescribed in subsection (e) of this section.</u>	<u>L5</u>
-	<u>2</u>	<u>The supervisor must provide a copy of all records to the LPC Associate upon request.</u>	<u>L5</u>
<u>§681.93(c)</u>	-	<u>The supervisor must avoid any relationship that impairs the supervisor's objective, professional judgment.</u>	<u>L5</u>
-	<u>1</u>	<u>The supervisor may not be related to the LPC Associate within the second degree of affinity or within the third degree of consanguinity.</u>	<u>L5</u>
-	<u>2</u>	<u>The supervisor may not be an employee of his or her LPC Associate.</u>	<u>L5</u>
<u>§681.93(d)</u>	-	<u>The supervisor must submit to the Council accurate documentation of the LPC Associate's supervised experience within 30 days of the end of supervision or the completion of the LPC Associate's required hours, whichever comes first.</u>	<u>L5</u>
<u>§681.93(e)</u>	-	<u>If a supervisor determines the LPC Associate may not have the counseling skills or competence to practice professional counseling under an LPC license, the supervisor will develop and implement a written plan for remediation of the LPC Associate, which must be reviewed and signed by the LPC Associate and maintained as part of the LPC Associate's file.</u>	<u>L5</u>
<u>§681.93(f)</u>	-	<u>The supervisor must ensure the supervised counseling experience of the LPC Associate were earned:</u>	-
-	<u>1</u>	<u>after the LPC Associate license was issued; and</u>	<u>L5</u>
-	<u>2</u>	<u>in not less than 18 months of supervised counseling experience.</u>	<u>L5</u>
<u>§681.93(h)</u>	-	<u>Upon execution of a Council order for probated suspension, suspension, or revocation of the LPC license with supervisor status, the supervisor status is revoked. A licensee whose supervisor status is revoked:</u>	-
-	<u>2</u>	<u>must refund all supervisory fees for supervision after the date the supervisor status is revoked; and</u>	<u>L4</u>
<u>§681.51(b)</u>	-	<u>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.</u>	-
-	<u>3</u>	<u>A licensee must not provide professional counseling services to any person while simultaneously providing parenting coordination services. This section does not apply if the court enters a finding that mental health services are not readily available in the location where the parties reside.</u>	<u>L4</u>
<u>§681.52(d)</u>	-	<u>In accordance with Texas Family Code, §153.6102(e), a licensee serving as a parenting facilitator must not provide other professional counseling services to any person while simultaneously providing parent facilitation services. This section does not apply if the court enters a finding that mental health services are not readily available in the location where the parties reside.</u>	<u>L4</u>
<u>§681.52(e)</u>	-	<u>In accordance with Texas Family Code, §153.6101(b)(1), a licensed professional counselor associate must not serve as a parenting facilitator.</u>	<u>L5</u>

<u>§681.52(i)</u>	-	<u>A licensee, serving as a parenting facilitator, must be alert to the reasonable suspicion of acts of domestic violence directed at a parent, a current partner, or children. The parenting facilitator must 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.</u>	<u>L5</u>
<u>§681.52(j)</u>	-	<u>In order to protect the parties and children in domestic violence cases involving power, control and coercion, a parenting facilitator must tailor the techniques used so as to avoid offering the opportunity for further coercion.</u>	<u>L5</u>
<u>§681.52(k)</u>	-	<u>A licensee serving as a parent facilitator must be alert to the reasonable suspicion of substance abuse by parents or children, as well as mental health impairment of a parent or child.</u>	<u>L5</u>
<u>§681.52(l)</u>	-	<u>A licensee serving as a parenting facilitator must not provide legal advice.</u>	<u>L5</u>
<u>§681.52(m)</u>	-	<u>A licensee serving as a parenting facilitator must serve by written agreement of the parties and/or formal order of the court.</u>	<u>L5</u>
<u>§681.52(n)</u>	-	<u>A licensee serving as a parenting facilitator must 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.</u>	<u>L5</u>
<u>§681.52(o)</u>	-	<u>A licensee serving as a parenting facilitator must 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.</u>	<u>L5</u>
<u>§681.52(p)</u>	-	<u>A licensee serving as a parenting facilitator:</u>	-
-	<u>1</u>	<u>must terminate or withdraw services if the licensee determines the licensee cannot act in an impartial or objective manner;</u>	<u>L5</u>
-	<u>2</u>	<u>must not give or accept a gift, favor, loan or other item of value from any party having an interest in the parenting facilitation process;</u>	<u>L5</u>
-	<u>3</u>	<u>must not coerce or improperly influence any party to make a decision;</u>	<u>L5</u>
-	<u>4</u>	<u>must not intentionally or knowingly misrepresent or omit any material fact, law, or circumstance in the parenting facilitator process; and</u>	<u>L5</u>
-	<u>5</u>	<u>must 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.</u>	<u>L5</u>
<u>§681.52(q)</u>	-	<u>A licensee serving as a parenting facilitator may make referrals to other professionals to work with the family, but must avoid actual or apparent conflicts of interest by referrals. No commissions, rebates, or similar remuneration must be given or received by a licensee for parenting facilitation or other professional referrals.</u>	<u>L5</u>
<u>§681.52(s)</u>	-	<u>A licensee serving as a parenting facilitator must 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.</u>	<u>L5</u>
<u>§681.52(u)</u>	-	<u>A licensee serving as a parenting facilitator must, prior to the beginning of the parenting facilitation process and in writing, inform the parties of:</u>	<u>L5</u>
-	<u>1</u>	<u>the limitations on confidentiality in the parenting facilitation process; and</u>	<u>L5</u>



-	<u>2</u>	<u>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.</u>	<u>L5</u>
<u>§681.52(v)</u>	-	<u>Information obtained during the parenting facilitation process must 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 Council.</u>	<u>L5</u>
<u>§681.52(w)</u>	-	<u>In the initial session with each party, a licensee serving as a parenting facilitator must review the nature of the parenting facilitator's role with the parents to ensure that they understand the parenting facilitation process.</u>	<u>L5</u>
<u>§681.52(x)</u>	-	<u>(x) A licensee serving as a parenting facilitator:</u>	<u>L5</u>
-	<u>1</u>	<u>must comply with all mandatory reporting requirements, including but not limited to Texas Family Code Chapter 261, concerning abuse or neglect of minors;</u>	<u>L5</u>
-	<u>2</u>	<u>must 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;</u>	<u>L5</u>
-	<u>3</u>	<u>must maintain records necessary to support charges for services and expenses and must make a detailed accounting of those charges to the parties and their counsel if requested to do so;</u>	<u>L5</u>
-	<u>4</u>	<u>must maintain notes regarding all communications with the parties, the children, and other persons with whom they speak about the case; and</u>	<u>L5</u>
-	<u>5</u>	<u>must 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.</u>	<u>L5</u>
<u>§681.52(y)</u>	-	<u>Records of a licensee serving as a parenting facilitator, are not mental health records and are not subject to the disclosure requirements of Texas Health and Safety Code, Chapter 611. At a minimum, records must be maintained for the period of time described in §681.41(r) of this title (relating to General Ethical Requirements), or as otherwise directed by the court.</u>	<u>L5</u>
<u>§681.52(z)</u>	-	<u>Records of a licensee serving as a parenting facilitator must be released on the request of either parent, as directed by the court, or as directed by the Council.</u>	<u>L5</u>
<u>§681.52(aa)</u>	-	<u>Charges for parenting facilitation services must 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.</u>	<u>L5</u>
<u>§681.52(bb)</u>	-	<u>All fees and costs must 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.</u>	<u>L5</u>
<u>§681.52(dd)</u>	-	<u>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.</u>	<u>L5</u>

<u>§681.52(ff)</u>	-	<u>A licensee serving as a parent facilitator must decline an appointment, withdraw, or request appropriate assistance when the facts and circumstances of the case are beyond the licensee's skill or expertise.</u>	<u>L5</u>
<u>§681.53(a)</u>	-	<u>Licensees must comply with Texas Family Code, Chapter 107, Subchapters D, E, and F concerning Child Custody Evaluation, Adoption Evaluation, and Evaluations in Contested Adoptions.</u>	<u>L5</u>
<u>§681.53(c)</u>	-	<u>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.</u>	<u>L5</u>
<u>§681.53(d)</u>	-	<u>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 Council.</u>	<u>L5</u>
<u>§681.53(e)</u>	-	<u>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 Council rules regardless of whether the licensee is acting as a factual witness or an expert.</u>	<u>L5</u>
<u>§681.53(f)</u>	-	<u>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.</u>	<u>L4</u>
<u>§681.53(g)</u>	-	<u>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.</u>	<u>L3</u>
<u>§681.53(h)</u>	-	<u>Licensees providing child custody evaluations or adoption evaluations must, prior to beginning the evaluation, in writing inform the parties of:</u>	<u>L5</u>
-	<u>1</u>	<u>The limitations on confidentiality in the evaluation process; and</u>	<u>L4</u>
-	<u>2</u>	<u>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.</u>	<u>L4</u>
<u>§681.53(i)</u>	-	<u>A Licensed Professional Counselor Associate (LPC Associate) must not conduct child custody evaluations or adoption evaluations unless qualified by another professional license to provide such services.</u>	<u>L4</u>