

Figure: 22 TAC §781.805

DISCIPLINARY ACTIONS (reported to the National Practitioner Databank)

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 (§§781.301(6); 781.303(7); 781.304(a); 781.309(5); and 781.313(b))

_____ Failure to discourage others from making exaggerated or false claims (§781.304(i))

_____ Failure to protect individual from harm resulting from individual or group setting (§781.304(o))

_____ Failure to inform client about testing as part of treatment (§781.307(a))

_____ Appropriate, reproduce, or modify published tests or parts thereof without publisher's permission (§781.307(b))

_____ Failure to set and maintain proper supervisor-supervisee relationship (§781.404(b)(8)(~~10~~)(E) and (L))

_____ Failure to ensure supervisee knows of, and complies with, all Council rules (§781.404(b)(8)(~~10~~)(K))

_____ Failure to develop and implement written supervision remediation plan (§781.404(b)(9)(~~11~~)(G))

_____ Failure to keep accurate records, keep records for appropriate retention period (§§781.304(f); 781.309(1) and (4))

_____ Failure to assess proper fee(s), maintain accurate billing records (§§781.304(g); 781.310(d))

_____ Failure to establish a plan for custody of records when professional services cease (§781.309(3))

_____ Failure to maintain written release of information in permanent record, review and update (§781.311(e))

_____ Failure to maintain and timely submit accurate supervised experience records (§781.404(b)(~~10~~)(8)(A))

_____ Make misleading, exaggerated, or false claims (§§781.301(2); 781.304(h); 781.306(a) and (b); 781.316(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 (§§781.301(5); 781.303(3))

_____ Failure to maintain client confidentiality except when disclosure is prescribed by statute or Council rules (§§781.301(7); 781.309(6); 781.311(b) and (g))

_____ Failure to set and maintain professional boundaries and avoid dual relationships (§§781.301(8); 781.304(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 (§781.301(12))

_____ Failure to inform other provider when providing concurrent therapy (§781.303(1))

_____ Failure to obtain informed consent (or court order) with all related items (§781.303(9))

_____ Engage in activities for personal needs or for personal gain; promotion of personal or business activities that are unrelated to the current professional relationship (§781.304(d) and (p))

_____ Accept from or give gift to a client with a value in excess of \$25.00 (§781.304(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 (§781.311(c) and (d))

_____ Failure to report alleged violation to the Council (except sexual misconduct) (§781.312(b))

_____ Failure to assume responsibility for human subject's emotional, physical, and social welfare when conducting research (§781.317(a))

_____ Failure to provide written information to parties in child custody or adoption evaluations (§781.322(h)(1) and (2))

_____ Charge or collect a fee or anything of value from employee or contract employee for supervision (§781.404(b)(8)~~[(10)]~~(C))

_____ Provide supervision to an individual who is related within the second degree of affinity or consanguinity (§781.404(b)(8)~~[(10)]~~(F))

_____ Failure to develop and update supervision plan (§781.404(b)(8)~~[(10)]~~(P))

_____ Failure to terminate non-beneficial counseling relationship; transfer client to appropriate care (§§781.301(13); 781.303(2))

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

_____ Refusing to serve a client based solely on basis of prohibited discrimination (§781.301(1))

_____ Failure to practice within scope of competency and accepted professional standards as appropriate to client's needs (§§781.301(3), 781.302(d), (e), and (g)-(i); 781.303(4); 781.321(ff); 781.322(i))

_____ Exploiting a position of trust with client or former client (§781.301(11))

_____ Failure to assume responsibility for clients during bartering of services (§781.303(8))

_____ Entering into a business relationship with a client (§781.304(c))

_____ Failure to provide services in the context of a professional relationship (§781.304(j))

_____ Borrowing or lending money or items of value to clients or relatives of clients (§781.304(n))

_____ Failure to report alleged sexual misconduct to the Council (§781.305(g)(1)-(4))

_____ Failure to administer or interpret test only with training and experience (§781.307(c))

_____ Failure to retain and dispose of client records in ways that maintain confidentiality (§781.309(2))

_____ Knowingly or flagrantly overcharging; bill for improper, unreasonable or unnecessary services (§781.310(c) and (e))

_____ Failure to report information concerning abuse or neglect of minors, elderly, or disabled; report exploitation by a mental health services provider (§781.311(f)(1-4))

_____ Failure to ensure subject's identity and confidentiality when obtaining data from a professional relationship for purposes of research (§781.317(b))

_____ Providing therapy or any other type of service, including but not limited to a child custody evaluation or parenting facilitation, in the same case (§§781.320(e); 781.321(d); 781.322(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)(~~8~~)(~~10~~)(H))

_____ Failure to address issues outlined in Council ordered supervision (§781.404(b)(~~10~~)(~~12~~)(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 (§§781.301(10) and 781.308)

_____ Offer to pay or agree to accept any remuneration for securing or soliciting clients or patronage (§§781.304(b); 781.310(a) and (b))

_____ Provide expert opinion or recommendation without conducting appropriate child custody evaluation (§781.322(g))

_____ Failure to maintain qualifications of supervisory status while providing supervision (§781.404(b)(7)(~~9~~))

_____ Provide supervision without having met all requirements for current, valid Council-approved supervisor status (§781.404(b)(8)(~~10~~))(J)

_____ Failure to inform all supervisees of termination of supervisor status and help them to find alternate supervision (§781.404(b)(8)(~~10~~))(M)

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

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

_____ Engage in sexual misconduct; therapeutic deception (§§781.301(9); 781.305(b) and (c))

_____ Aid or abet unlicensed practice (§781.303(5))

_____ Participate in falsifying documents submitted to the Council (§781.303(6))

_____ Continue to supervise or fail to refund all supervisory fees paid after termination or expiration of supervisor status (§781.404(b)(8)(~~10~~))(N) and (O))